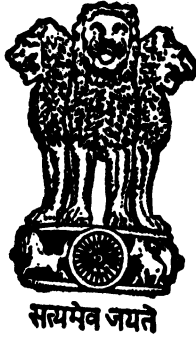


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WEST BENGAL LEGISLATIVE

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Government of West Bengal
Legislative Department

The West Bengal Code

Second edition

In Eight Volumes

Volume VI

West Bengal Acts, 1950 and 1951

(As modified up to the 31st May, 1965)

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PREFACE

This, the sixth volume of the Second Edition of the West Bengal Code, contains such of the West Bengal Acts of the years 1950 and 1951 as are now in force in the State of West Bengal or any part thereof. The system followed in editing the volume and other details in respect of this publication are described in the Preface to Volume I of this Code.

The Acts included in this Volume are printed generally as modified up to the 31st May, 1965.

S. SENGUPTA,

*Secretary to the Government of West Bengal,
Legislative Department.—*

*Calcutta,
The 31st May, 1965.*

CHRONOLOGICAL TABLE OF ENACTMENTS.

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1950	II	... <i>The West Bengal Bargadars Act, 1950.</i>	...	<i>Repealed by West Ben. Act X of 1956.</i>
1950	III	... The West Bengal District Boards (Amendment) Act, 1950.	...	Amending Act. Not printed.
1950	IV	... The West Bengal Jute Goods (Control) Act, 1950.	1—2	
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1950	VIII	... The West Bengal Criminal Law Amendment (Special Courts) Amendment Act, 1950.	...	Amending Act. Not printed.
1950	IX	... <i>The Calcutta Special Tribunal (Change of Composition) Act, 1950.</i>	...	<i>Spent.</i>
1950	X	... <i>The West Bengal Special Courts Act, 1950.</i>	...	<i>Repealed by West Ben. Act XIV of 1952.</i>
1950	XI	... The Bengal Medical (West Bengal Amendment) Act, 1950.	...	Amending Act. Not printed.
1950	XII	... The West Bengal Maternity Benefit (Tea Estates) Amendment Act, 1950.	...	Amending Act. Not printed. The principal Act is repugnant to the Maternity Benefit Act, 1961, a Central Act dealing with the same subject matter.
1950	XIII	... The West Bengal Money-lenders (Amendment) Act, 1950.	...	Amending Act. Not printed.
1950	XIV	... The 24-Parganas District Board Dissolution (Temporary Provisions) Amendment Act, 1950.	...	Amending Act. Principal Act spent. Not printed.
1950	XV	... The West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Act, 1950.	...	Amending Act. Not printed.
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CHRONOLOGICAL TABLE OF ENACTMENTS.

Year.	No.	Short title.	Page.	Remarks.
1	2	3	4	5
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1950	XXI ...	The Bengal Nurses (West Bengal Amendment) Act, 1950.	...	Amending Act. Not printed.
1950	XXII ...	The West Bengal Animal Slaughter Control Act, 1950.	77—80	
1950	XXIII ...	The Calcutta Sheriff's (Amendment) Act, 1950.	...	Amending Act. Not printed.
1950	XXIV ...	The Bengal (Rural) Primary Education (West Bengal Amendment) Act, 1950.	...	Amending Act. Not printed.
1950	XXV ...	The Bengal Municipal (West Bengal Amendment) Act, 1950.	...	Amending Act. Not printed.
1950	XXVI ...	The Bengal Village Self-Government (West Bengal Amendment) Act, 1950.	...	Amending Act. Not printed.
1950	XXVII ...	The Bengal Local Self-Government (West Bengal Amendment) Act, 1950.	...	Amending Act. Not printed.
1950	XXVIII...	The Calcutta Municipal (Amendment) Act, 1950.	...	Amending Act. Not printed.
1950	XXIX ...	The Indian Registration (West Bengal Amendment) Act, 1950.	81	
1950	XXX ...	The West Bengal State Laws (Extension to Cooch Behar) Act, 1950.	88—84	
1950	XXXI ...	The Bengal Jute Regulation (West Bengal Repealing) Act, 1950.	...	Repealing Act. Not printed.
1950	XXXII ...	The West Bengal Public Gambling (Penalties Enhancement) Act, 1950.	...	Not printed. The provisions of the Act have become infructuous.
1950	XX XIII...	The Bengal Co-operative Societies (West Bengal Amendment) Act, 1950.	...	Amending Act. Not printed.

CHRONOLOGICAL TABLE OF ENACTMENTS.

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Year.	No.	Short title.	Page.	Remarks.		
1	2		4		5	
West Bengal Acts, 1950 and 1951— <i>contd.</i>						
1950	XXXIV...	The West Bengal Mining Settlements (West Bengal Amendment) Act, 1950.	...	Amending Act.	Not printed.	
1950	XXXV ...	The Bengal Motor Vehicles Tax (West Bengal Amendment) Act, 1950.	...	Amending Act.	Not printed.	
1950	XXXVI...	The West Bengal Drugs (Control) Act, 1950.	85—90			
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1950	XXXVIII	<i>The Legislative Assembly of West Bengal (Removal of Disqualifications) Act, 1950.</i>	...	<i>Repealed by West Ben. Act VI of 1963.</i>		
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1950	XLIV ...	The Calcutta Municipal (Second Amendment) Act, 1950.	...	Amending Act.	Not printed.	
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1950	XLVI ...	The West Bengal Security (Amendment) Act, 1950.	103—104			
1950	XLVII ...	The Indian Red Cross Society (Bengal Branch) (Amendment) Act, 1950.	...	Amending Act.	Not printed.	
1950	XLVIII...	The Bengal Finance (Sales Tax) (West Bengal Amendment) Act, 1950.	...	Amending Act.	Not printed.	
1950	XLIX ...	The West Bengal Fire Services (Amendment) Act, 1950.	...	Amending Act.	Not printed.	
1950	L ...	The Calcutta Improvement (Amendment) Act, 1950.	...	Amending Act.	Not printed.	
1950	LI ...	The 24-Parganas District Board Dissolution (Temporary Provisions) (Second Amendment) Act, 1950.	...	Amending Act.	Principal Act spent. Not printed.	

CHRONOLOGICAL TABLE OF ENACTMENTS.

Year.	No.	Short title.	Page.	Remarks.
1	2	3	4	5
West Bengal Acts, 1950 and 1951— <i>contd.</i>				
1950	LII ...	The Calcutta Improvement (Amendment) Amending Act, 1950.	...	Amending Act. Not printed.
1950	LIII ...	The West Bengal District Boards (Second Amendment) Act, 1950.	...	Amending Act. Not printed.
1950	LIV ...	The West Bengal National Volunteer Force (Amendment) Act, 1950.	...	Amending Act. Not printed.
1950	LV ...	The West Bengal Prohibition of Smoking in Show Houses and Public Halls Act, 1950.	105—106	
1950	LVI ...	The West Bengal Clinical Establishments Act, 1950.	107—112	
1950	LVII ...	The Bengal (Rural) Primary Education (West Bengal Amendment) Act, 1950.	...	Amending Act. Not printed.
1950	LVIII ...	The Criminal Procedure (West Bengal Amendment) Act, 1950.	113	
1950	LIX ...	The Bengal, Agra and Assam Civil Courts (West Bengal Amendment) Act, 1950.	...	Amending Act. Not printed.
1950	LX ...	The Criminal Procedure (West Bengal Second Amendment) Act, 1950.	115	
1950	LXI ...	The Bengal Electricity Duty (West Bengal Amendment) Act, 1950.	...	Amending Act. Not printed.
1950	LXII ...	The West Bengal Premises Rent Control (Temporary Provisions) (Amendment) Act, 1950.	...	Amending Act. Principal Act repealed. Not printed.
1950	LXIII ...	The Cooch Behar (Assimilation of State Laws) Act, 1950.	117—126	
1950	LXIV ...	The Bengal Shops and Establishments (West Bengal Amendment) Act, 1950.	...	Amending Act. Not printed.
1951	I ...	The Corporation of Calcutta (Temporary Supercession) (Amendment) Act, 1951.	...	Amending Act. Principal Act spent. Not printed.
1951	II ...	The Bengal (Aliens) Disqualification (West Bengal Amendment) Act, 1951.	...	Amending Act. Not printed.

CHRONOLOGICAL TABLE OF ENACTMENTS

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Year.	No.	Short title.	Page.	Remarks.
1		3	4	5
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1951	III	... The West Bengal Secondary Education (Amendment) Act, 1951.	...	Amending Act. Not printed.
1951	IV	... The Bengal Amusements Tax (West Bengal Amendment) Act, 1951.	...	Amending Act. Not printed.
1951	V	... The West Bengal Evacuee Property Act, 1951	127—139	
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1951	VII	... The West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1951.	...	Amending Act. Not printed.
1951	VIII	... The West Bengal Requisitioned Land (Continuance of Powers) Act, 1951.	141—146	
1951	IX	... The West Bengal Consolidated Fund (Charged Expenditure) Act, 1951.	147—149	
1951	X	... The West Bengal Appropriation Act, 1951.	151—156	
1951	XI	... The West Bengal Appropriation (No. 2) Act, 1951.	157—158	
1951	XII	... The Bengal Nurses (West Bengal Amendment) Act, 1951.	...	Amending Act. Not printed.
1951	XIII	... The West Bengal Dentists (Repealing) Act, 1951.	159	
1951	XIV	... The Goondas (Amendment) Act, 1951.	...	Amending Act. Not printed.
1951	XV	... The West Bengal Electricity (Emergency Powers) (Amendment) Act, 1951.	...	Amending Act. Principal Act spent. Not printed.
1951	XVI	... <i>The Rehabilitation of Displaced Persons and Eviction of Persons in Unauthorised Occupation of Land Act, 1951.</i>	...	<i>Expired.</i>
1951	XVII	... The Bengal Motor Vehicles Tax (West Bengal Amendment) Act, 1951.	...	Amending Act. Not printed.
1951	XVIII	... The Calcutta University Act, 1951.	161—194	
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Year.	No.	Short title.	Page.	Remarks.
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1951	XX ...	The West Bengal Evacuee Property (Amendment) Act, 1951.	...	Amending Act. Not printed.
1951	XXI ...	The West Bengal Secondary Education (Second Amendment) Act, 1951.	...	Amending Act. Not printed.
1951	XXII ...	<i>The Siliguri Municipal Commissioners (Extension of Term) Act, 1951.</i>	...	<i>Spent.</i>
1951	XXIII ...	The Cooch Behar Disturbances Enquiry Act, 1951.	199—200	
1951	XXIV ...	The Bengal Finance (Sales Tax) (West Bengal Amendment) Act, 1951.	...	Amending Act. Not printed.
1951	XXV ...	The Calcutta Tramways Act, 1951.	201—209	
1951	XXVI ...	The West Bengal Appropriation (No. 8) Act, 1951.	211	
1951	XXVII ...	The West Bengal Fire Services (Amendment) Act, 1951.	...	Amending Act. Not printed.
1951	XXVIII	The Bengal Municipal (West Bengal Amendment) Act, 1951.	...	Amending Act. Not printed.
1951	XXIX ...	The West Bengal Land Development and Planning (Amendment) Act, 1951.	213	
1951	XXX ...	The University of Calcutta (Matriculation Examination) Act, 1951.	215	
1951	XXXI ...	The Indian Registration (West Bengal Amendment) Act, 1951.	217	
1951	XXXII ...	The West Bengal Security (Amendment) Act, 1951.	...	Amending Act. Not printed.
1951	XXXIII	The Calcutta Municipal Act, 1951.	219—661	

The West Bengal Code

Volume VI

WEST BENGAL ACTS, 1950 AND 1951.

West Bengal Act IV of 1950¹

THE WEST BENGAL JUTE GOODS (CONTROL) ACT, 1950.

[15th March, 1950.]

An Act to provide for the regulation, maintenance and increase of the production and supply of jute goods and for the regulation of the distribution thereof.

WHEREAS it is expedient to provide for the regulation, maintenance and increase of the production and supply of jute goods and for the regulation of the distribution thereof ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Bengal Jute Goods (Control) Act, 1950.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on the date on which the West Bengal Jute Goods (Control) Ordinance, 1949, ceases to operate.

Short title,
extent and
commence-
ment.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) “jute goods” include all jute manufactures ; and

(b) “Controller” means the Jute Controller appointed by the State Government under section 3.

Definitions.

3. The State Government may, by notification in the *Official Gazette*, appoint any person to be the Jute Controller for the State.

Appoint-
ment of
Controller

West Ben.
Ord. IX
of 1949.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 21st January, 1950, Pt. IV, page 63 ; for Proceedings of the West Bengal Legislative Assembly, see the Proceedings of the meeting of the West Bengal Legislative Assembly, held on the 28th February, 1950.

(Sections 4—9.)

Powers of
Controller
to control
production,
supply and
distribu-
tion of jute

4. (1) Subject to the control of the State Government, the Controller, so far as it appears to him to be necessary or expedient for regulating, maintaining or increasing the production and supply of jute goods or for regulating the distribution thereof, may, by order in writing,—

- (a) require any person holding stocks of jute goods to sell the whole or a specified part thereof at such prices and to such persons or to the Central Government or to the State Government or in such circumstances as may be specified in the order ;
- (b) require any person engaged in the production of jute goods to comply with such directions as may be given in the order as to the type, quality and quantity of jute goods to be produced or delivered by him from time to time.

(2) Any person to whom an order is issued under sub-section (1) shall comply with it notwithstanding any contract to which he is a party.

Penalties.

5. If any person contravenes any order issued to him by the Controller under section 4, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Offences
by cor-
porations.

6. If the person contravening an order issued by the Controller under section 4 is a company or an association or a body of persons whether incorporated or not, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

Cognisance
of
offences.

7. No Court shall take cognisance of any offence punishable under this Act except on a report in writing of the fact constituting such offence made by the Controller.

Protection
of action
taken
under the
Act.

8. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the State Government or the Controller for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

Savings
and
validation.

9. Any notification issued or any order given or anything done or any action taken or any proceedings commenced in exercise of any power conferred by or under the West Bengal Jute Goods (Control) Ordinance, 1949, shall, on the said Ordinance ceasing to operate, be deemed to have been issued, given, done, taken or commenced in exercise of powers conferred by or under this Act as if this Act had commenced on the 4th day of November, 1949.

West Ben.
Ord. IX
of 1949.

West Bengal Act V of 1950¹

THE WEST BENGAL JUTE GOODS ACT, 1950.

AMENDED

... West Ben. Act III of 1953.

[15th March, 1950.]

An Act to provide for the prevention of certain dealings in jute goods.

WHEREAS it is expedient to provide for the prevention of certain dealings in jute goods ;

It is hereby enacted as follows :—

1. (1) This Act may be called the West Bengal Jute Goods Act, 1950.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(1) “contract relating to jute goods” means a contract relating to the sale or purchase of jute goods made on a forward basis—

(a) providing for the payment or receipt, as the case may be, of margin in such manner and on such dates as may be specified in the contract, or

(b) by or with any person not being a person who—

(i) habitually deals in the sale or purchase of jute goods involving the actual delivery of possession thereof,
or

(ii) possesses, or has control over, a godown and other means and equipments necessary for the storage and supply of jute goods ;

²*Explanation.*—Actual delivery of possession shall be deemed to include the transfer of any delivery order or railway receipt or dock receipt or mate’s receipt or godown warrant.

(2) “jute” includes the fibre commonly known as *mesta* ;

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 21st February, 1950, Pt. IV, page 231 ; for Proceedings of the West Bengal Legislative Assembly, see the Proceedings of the meeting of the West Bengal Legislative Assembly, held on the 28th February, 1950.

²This Act came into force on the 9th May, 1950, vide notification No. 1236Com., dated the 8th May, 1950, published in the *Calcutta Gazette, Extraordinary*, of 1950, Part I, page 574.

³This *Explanation* was added⁴ with retrospective effect by section 2 of the West Bengal Jute Goods (Amendment) Act, 1953 (West Ben. Act III of 1953).

Nothing in the said West Ben. Act III of 1953 shall apply or be deemed ever to have applied to any case in which a decree has once been passed before the commencement of the said Act (vide section 3 of West Ben. Act III of 1953).⁴

[West Ben. Act

(Section 3.)

(3) "jute goods" means—

- (a) hessian cloth made of jute or bags made of such hessian cloth ; and
- (b) gunny cloth made of jute or bags made of such gunny cloth ;

and includes such other goods made of jute as the State Government may specify by notification in the *Official Gazette* ;

(4) "margin" means the difference between the rate specified in a contract relating to the sale or purchase of jute goods made on a forward basis and the rate prevailing on such date subsequent to the date of the contract as may be specified in the contract.

Power of
State
Govern-
ment to
prohibit
contracts
relating
to jute
goods.

3. (1) The State Government may, from time to time, if it so thinks fit, by notification in the *Official Gazette*, prohibit the making of contracts relating to jute goods and may, by like notification, withdraw such prohibition :

Provided that the withdrawal of any such prohibition shall not affect the operation of the provisions of sub-section (2) in respect of any contract relating to jute goods made prior to the date on which the prohibition is withdrawn.

(2) When the making of contracts relating to jute goods is prohibited by a notification under sub-section (1),—

- (a) no person shall make any such contract or pay or receive any margin except, in the case of any such contract made prior to the date of the notification, to the extent to which the payment or receipt, as the case may be, of margin is allowable on the basis of the last closing rate in a notified market ;
- (b) no owner or occupier of any premises shall knowingly permit such premises to be used for the making of any such contract or for the payment or receipt of margin in contravention of the provisions of clause (a) ; and
- (c) notwithstanding anything contained in any other law for the time being in force,—
 - (i) every such contract made, and every claim in respect of margin, in contravention of the provisions of clause (a) shall be void and unenforceable, and
 - (ii) every such contract made prior to the date of publication of the notification shall be varied and settled on the basis of the last closing rate in a notified market.

Explanation.—In this sub-section,—

- (a) "last closing rate" means the rate fixed by the directors of a notified market to be the closing rate of such market immediately preceding the date of publication of the notification under sub-section (1) prohibiting the making of contracts relating to jute goods ; and

The West Bengal Jute Goods Act, 1950.

V of 1950.]

(Sections 4, 5.)

(b) "notified market" means a jute goods market recognised by the State Government by ¹notification in the *Official Gazette*.

4. Whoever in contravention of the provisions of section 3,— **Penalty.**

(a) makes a contract relating to jute goods, or pays or receives, as the case may be, margin, or

(b) being the owner or occupier of any premises, knowingly permits such premises to be used for the making of a contract relating to jute goods or for the payment or receipt of margin,

shall, on conviction, be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Act V of
1898.

5. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this Act shall be cognisable and non-bailable and shall not be triable by any Magistrate other than a Presidency Magistrate or Magistrate of the First Class.

**Special
procedure.**

¹For notification relating to the recognition of jute goods markets for the purposes of paragraph (b) of the *Explanation* to sub-section (2) of section 3 of the Act, see notification No. 1298Com. dated 8.5.50, published in the *Calcutta Gazette, Extraordinary* of 1950, Part 1, page 574.

West Bengal Act VI of 1950¹

THE WEST BENGAL JUTE (CONTROL OF PRICES) ACT, 1950.

[15th March, 1950.]

An Act to provide for the control of the price of jute.

WHEREAS it is expedient to provide for the control of the price of jute in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the West Bengal Jute (Control of Prices) Act, 1950.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of West Bengal.

West Ben.
Ord. VII
of 1949.

(3) It shall come into force on the date on which the West Bengal Jute (Control of Prices) Ordinance, 1949, ceases to operate.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(a) “jute” means the fibre of any plant belonging to any species of the *genus Corchorus* and commonly called *pat*, *kosta*, *nalia* or *himalipatam* and includes also the fibre of the plant *hibiscus cannabinus*, commonly called *mesta* ;

(b) “pucca bale” means a package containing any jute or jute cuttings (together with any waste product or moisture, if any) pressed by any hydraulic or any power-driven machinery and commonly known in the jute trade as a pucca bale ;

(c) “raw jute” means jute which has not been subjected to any process of spinning or weaving and includes jute or jute cuttings, whether loose or packed in bales or drums and whether or not containing any waste product or moisture ;

(d) “surplus raw jute” means raw jute in the possession or control of any person in excess of the quantity for which he holds for the time being a valid export license under the Imports and Exports (Control) Act, 1947 ;

(e) “waste product” means strippings, odd filaments or fragments, droppings, sweepings, or other waste product of jute and includes also articles commonly known in the jute trade as *hiji biji*.

3. (1) The State Government may by ²notification in the *Official Gazette* fix the maximum prices which may be charged for pucca bales or for surplus raw jute (not being pucca bales).

Maximum
prices.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 21st January, 1950, Pt. IV, page 65 ; for proceedings of the West Bengal Legislative Assembly, see the Proceedings of the meeting of the West Bengal Legislative Assembly, held on the 28th February, 1950.

²For notification relating to the fixation of the maximum price of raw Bimli Jute (F.A.Q.), see notification No. 5494Com., dated 13.9.50, published in the *Calcutta Gazette, Extraordinary* of 1950, Part I, page 1164.

[West Ben. Act]

(Sections 4—8.)

(2) Different maximum prices may be fixed under sub-section (1) for pucca bales or surplus raw jute (not being pucca bales), according to the quality, variety or trade description of the jute or jute cuttings contained in such pucca bales or according to the quality, variety or trade description of such surplus raw jute.

Sale and purchase to be at prices not exceeding maximum.

4. No person shall sell or agree to sell or offer to sell and no person shall buy or agree to buy or offer to buy any pucca bales or any surplus raw jute (not being pucca bales) or any portion of any surplus raw jute at a price exceeding the maximum price fixed therefor under section 3.

Power of State Government to issue directions in respect of surplus raw jute.

5. The State Government may by order in writing direct any person having any surplus raw jute in his possession or control to sell such surplus raw jute or any portion thereof to any specified person or persons at a price not exceeding the maximum price fixed therefor under section 3 and the person so directed shall comply with the order.

Power to require information, etc.

6. The State Government or any officer authorised in this behalf by the State Government may, with a view to securing compliance with this Act,—

(a) require any person to give any information in his possession with respect to any business in jute carried on by that or any other person ;

¹(b) inspect or cause to be inspected any books or other documents belonging to or under the control of any person relating to any business in jute ;

²(c) enter and search, or authorise any person to enter and search, any premises, and seize, or authorise any person to seize, any pucca bales or surplus raw jute in respect of which he has reason to believe that a contravention of this Act has been committed.

Evasion.

7. No person shall, with intent to evade any provision of this Act, refuse to give any information lawfully demanded from him under section 6, or conceal, destroy, mutilate or deface any books or document.

Penalties.

8. Whoever contravenes any of the provisions of this Act or of any order made thereunder shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

¹For notification relating to inspection of books and other documents relating to business in jute and belonging to or under the control of certain persons and firms with a view to securing compliance with the Act, see notification No. 6143Com., dated 10.11.50², published in the *Calcutta Gazette, Extraordinary* of 1950, Part I, pages 1473-1475, as subsequently amended from time to time.

²For notification relating to authority vested in certain persons to enter and search the premises of certain persons and firms with a view to securing compliance with the Act, see notification No. 6144Com., dated 10.11.50, published in the *Calcutta Gazette, Extraordinary* of 1950, Part I, pages 1475-1476, as subsequently amended from time to time.

VI of 1950.]

(Sections 9, 10.)

9. Where a person committing an offence punishable under this Act is a company or an association or a body of persons whether incorporated or not, every director, manager, secretary or other officer or person concerned in the management thereof shall, unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent its commission, be deemed to be guilty of such offence.

Offences
by corporations,
etc.

10. Any notification issued or any order given or anything done or any action taken or any proceedings commenced in exercise of any power conferred by or under the West Bengal Jute (Control of Prices) Ordinance, 1949, shall, on the said Ordinance ceasing to operate, be deemed to have been issued, given, done, taken or commenced in exercise of the powers conferred by or under this Act as if this Act had commenced on the 30th day of September, 1949.

Savings
and validation.

West Ben.
Ord. VII
of 1949.

West Bengal Act VII of 1950¹

THE BENGAL LAND-REVENUE SALES (WEST BENGAL AMENDMENT) ACT, 1950.

[15th March, 1950.]

An Act further to amend the Bengal Land-Revenue Sales Act, 1859, in its application to West Bengal.

XI of 1859.

WHEREAS it is expedient further to amend the Bengal Land-Revenue Sales Act, 1859, in its application to West Bengal, for the purposes and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Bengal Land-Revenue Sales (West Bengal Amendment) Act, 1950.

Short title and extent.

(2) It extends to the whole of West Bengal.

2. The Bengal Land-Revenue Sales Act, 1859 (hereinafter referred to as the said Act), shall, in its application to West Bengal, be amended in the manner hereinafter provided.

Application of Act.

3. In the preamble to the said Act, the words beginning with “and whereas it is expedient to provide for the voluntary registration of dependent *taluks*” and ending with “held at rents sufficient for the security of the revenue ;” shall be omitted.

Amendment of the preamble of Act XI of 1859.

4. For section 37 of the said Act, the following section shall be substituted, namely :—

Substitution of new section for section 37.

“37. (1) The purchaser of an entire estate in the permanently settled districts of West Bengal sold under this Act for the recovery of arrears due on account of the same, shall acquire the estate free from all encumbrances which may have been imposed after the time of settlement and shall be entitled to avoid and annul all tenures, holdings and leases with the following exceptions :—

Rights of a purchaser of a permanently settled estate sold for its own arrears.

(a) tenures and holdings which have been held from the time of the permanent settlement either free of rent or at a fixed rent or fixed rate of rent, and

(b) (i) tenures and holdings not included in exception (a) above made, and

(ii) other leases of land whether or not for purposes connected with agriculture or horticulture,

existing at the date of issue of the notification for sale of the estate under this Act :

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 25th March, 1949, Pt. IV, page 265 ; for Proceedings of the West Bengal Legislative Assembly, see the Proceedings of the meeting of West Bengal Legislative Assembly, held on the 18th February, 1950,

[West Ben. Act

(Sections 5—7.)

Provided that notwithstanding anything contained in any law for the time being in force or in any lease or contract no person shall be entitled to hold under such a purchaser as is aforesaid any tenure, holding or lease coming within exception (b) above made, free or rent or at a low rent or at a rent or rate of rent fixed in perpetuity or for any specified period unless the right so to hold has been expressly recognised under any law for the time being in force by any competent civil or revenue court; and the purchaser shall be entitled to proceed in the manner prescribed by any law for the time being in force for the determination of a fair and equitable rent of such tenure, holding or lease.

(2) For the purposes of this section—

(a) (i) 'tenure' includes a tenure as defined in the Bengal Tenancy Act, 1885, and

VIII of 1885.

(ii) 'holding' includes a holding as defined in the Bengal Tenancy Act, 1885 ;

(b) any rent which is lower than what has been entered in any record of rights prepared and finally published under Chapter X of the Bengal Tenancy Act, 1885, before the commencement of the Bengal Land-Revenue Sales (West Bengal Amendment) Act, 1950, shall be presumed to be a low rent ;

(c) section 75A of the Bengal Tenancy Act, 1885, shall not have any application.”.

Repeal of sections 38 to 51.

5. Sections 38 to 51 (both inclusive) of the said Act are hereby repealed.

Substitution of new section for section 52.

6. For section 52 of the said Act, the following section shall be substituted, namely :—

“52. The provisions of section 37 of this Act shall *mutatis* Rights of purchaser of an estate not permanently settled, sold for its own arrears. *mutandis* apply in the case of a purchaser of an estate in a district of West Bengal not permanently settled, sold under this Act for the recovery of arrears due on account of the same.”.

Certain suits and proceedings to abate and certain decrees and orders to be void.

7. (1)(a) Every suit or proceeding for the ejectment of any person from any land in pursuance of section 37 or section 52 of the said Act, and

(b) Every appeal or application for review or revision arising out of such suit or proceeding,

pending at the date of commencement of this Act shall, if the suit, proceeding, appeal or application could not have been validly instituted, preferred or made had this Act been in operation at the date of the institution, the preferring or the making thereof, abate.

VII of 1950.]

(Section 7.)

(2) Every decree passed or order made, before the date of commencement of this Act, for the ejectment of any person from any land in pursuance of section 37 or section 52 of the said Act shall, if the decree or order could not have been validly passed or made had this Act been in operation at the date of the passing or making thereof, be void :

Provided that nothing in this section shall affect any decree or order in execution whereof the possession of the land in respect of which the decree or order was passed or made, has already been delivered before the date of commencement of this Act.

(3) Whenever any suit, proceeding, appeal or application abates under sub-section (1) or any decree or order becomes void under sub-section (2), all fees paid under the Court-fees Act, 1870, shall be refunded to the parties by whom the same were respectively paid.

VII of
1870.

West Bengal Act XVI of 1950¹.

THE SOCIETIES REGISTRATION (WEST BENGAL AMENDMENT) ACT, 1950.

[30th March, 1950.]

An Act to amend the Societies Registration Act, 1860, in its application to West Bengal.

XXI
of 1960.

WHEREAS it is expedient to amend the Societies Registration Act, 1860 in its application to West Bengal, for the purposes and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. This Act may be called the Societies Registration (West Bengal Amendment) Act, 1950. Short title.

2. The Societies Registration Act, 1860 (hereinafter referred to as the said Act) shall, in its application to West Bengal, be amended for the purposes and in the manner hereinafter provided. Applica-
tion of the
Act.

3. In section 12 of the said Act, after the words "other society" the words "or whenever the governing body of any society registered under this Act decides to change the name of the society" shall be inserted. Amend-
ment of
section
12 of Act
XXI of
1860.

4. After section 12 of the said Act, the following new sections shall be inserted, namely :— Insertion
of new
sections
12A, 12B
and 12C
in Act
XXI of
1860.

"12A. (1) Where a proposition for change of name has been agreed to and confirmed in the manner prescribed by section 12, a copy of the proposition so agreed to and confirmed shall be forwarded to the Registrar of Joint Stock Companies for registering the change of name. If the proposed name is identical with that by which any other existing society has been registered, or in the opinion of the Registrar so nearly resembles such name as to be likely to deceive the public or the members of either society, the Registrar shall refuse to register the change of name.

(2) Save as provided in sub-section (1), the Registrar shall, if he is satisfied that the provisions of this Act in respect of change of name have been complied with, register the change of name and issue a certificate of registration altered to meet the circumstances of the case. On the issue of such a certificate the change of name shall be complete.

(3) The Registrar shall charge for any copy of a certificate issued under sub-section (2) a fee of rupee one and all fees so paid shall be accounted for to the State Government.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 19th January, 1950, Pt. IV, page 50 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the West Bengal Legislative Assembly, held on the 8th February, 1950.

[West Ben. Act XVI of 1950.]

(Section 4.)

12B. The change in the name of a society shall not affect rights or obligations of either the members who were admitted prior to the change or of the society or render defective any legal proceeding by or against the society; and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its new name.

12C. If any society registered under this Act has, before the date of the coming into force of the Societies Registration (West Bengal Amendment) Act, 1950, intimated to the Registrar of Joint-Stock Companies the change of its name and if the Registrar has recorded such change, the Registrar may, notwithstanding anything contained in this Act, on an application made by the society in this behalf and on payment of a fee as provided for in sub-section (3) of section 12A, register the change of such name and issue a certificate to the society under sub-section (2) of the said section 12A. On the issue of such certificate the change shall be deemed to be complete from the date on which such change was recorded by the Registrar, notwithstanding the fact that the society had not followed the procedure prescribed in sections 12 and 12A.”

West Bengal Act XVIII of 1950

THE WEST BENGAL FIRE SERVICES ACT, 1950.

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SCHEDULE.

West Bengal Act XVIII of 1950

THE WEST BENGAL FIRE SERVICES ACT, 1950¹

AMENDED

{ West Bengal Act XLIX of 1950.
West Bengal Act XXVII of 1951.
West Bengal Act XI of 1952.
West Bengal Act XIII of 1957.
West Bengal Act XXI of 1960.
West Bengal Act XXVI of 1962.

[30th March, 1950.]

An Act to provide for the maintenance of a fire brigade, for the licensing of warehouses and for certain other matters.

WHEREAS it is expedient to provide for the maintenance of a fire brigade, for the licensing of warehouses and for certain other matters ;

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the West Bengal Fire Services Act, 1950.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of West Bengal.

(3) It shall come into force²[in such local or other areas] and on such dates³ as the State Government may, by notification

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 17th February, 1950, Pt. IV, pages 213 to 223, for the proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the West Bengal Legislative Assembly, held on the 28th February, 1950.

²These words were substituted for the words "in such local areas" by sec. 2(1) of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

³This Act came into force on the 18th day of April, 1950, in the following local areas, namely :—

(1) Calcutta as defined in clause (11) of section 3 of the Calcutta Municipal Act, 1923. [The Calcutta Municipal Act, 1923 (Ben. Act III of 1923) was repealed and re-enacted by the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951.)] (2) The Municipality of Garden Reach. (3) The Municipality of Budge Budge. (4) The Municipality of Barrackpore. (5) The Municipality of North Barrackpore. (6) The Municipality of Bhatpara. (7) The Municipality of Naihati. (8) The Municipality of Kanchrapara. (9) The Municipality of Panihati. (10) The Municipality of Halisahar. (11) The

[West Ben. Act

(Chapter II.—Fire Brigade.—Section 3.)

ulu grass, *golpata*, *hogla*, *durma*, raw rattan canes, cocoanut fibre, waste paper, packing boxes, ¹[inflammable chemicals or articles or any other article which is likely to increase the risk of fire, and which] is specified by the State Government by ²notification in the *Official Gazette* for the purpose of this clause ;

³(m) workshop” means any building or place where the processing of any article is carried on for purposes of trade or business, if such processing of such article is declared by the State Government by ⁴notification in the *Official Gazette* in this behalf to be attended with the risk of fire.

Explanation.—The expression “processing” means making, altering, repairing, treating or otherwise dealing with any article by means of steam, electricity or other mechanical power.

CHAPTER II.

FIRE BRIGADE.

Maintenance,
constitution, etc.,
of fire
brigade.

⁵3. (1) The State Government shall maintain a fire bridge for service in the local or other areas in which this Act is in force and may, if it thinks fit, send the fire brigade to any place outside any such area for service therein.

(2) The fire brigade shall consist of such number of members and shall be otherwise constituted in such manner as the State Government may think fit.

(3) The fire brigade shall be under the direction and control of the Director who may, with the previous sanction of the State Government and subject to the orders or rules, if any, made by the State Government under section 4 or section 40, as the case may be, frame such regulations as he thinks fit relating to—

(a) the general administration and control of the fire brigade,

¹These words were substituted for the words “inflammable chemicals or any other article which in the opinion of the State Government is inflammable and” by sec. 3(6) of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

²For notification specifying inflammable articles for the purposes of clause (1) of sec. 2 of the Act, see notification No. 1124/F.1A-4/57, dated the 3.2.58, published in the *Calcutta Gazette*, of 1958, Part I, pages 493-495.

³This clause (m) was added by sec. 2 of the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951).

⁴For notification declaring that the processing carried on for purposes of trade or business of certain articles in excess of the quantity specified shall be attended with the risk of fire, see notification No. L.S.G.1A-35/51/II, dated 10.10.52, published in the *Calcutta Gazette* of 1952, Part I, page 3840.

⁵Sections 3 and 3A were substituted for the original sec. 3 by sec. 4 of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

XVIII of 1950.]

(Chapter II—Fire Brigade.—Sections 3A, 4.)

- (b) the equipments, clothing and accountment of the members of the fire brigade, their classification and duties and distribution of work among them,
- (c) the place at which or the limits of the area within which the members or any class of members of the fire brigade shall ordinarily reside, for ensuring that the services of the members or such class of members of the fire brigade may be readily available, and
- (d) all other matters which he considers necessary for rendering the fire brigade an efficient fire-fighting force.

¹3A. The State Government may raise an auxiliary fire brigade in any local or other area in which this Act is in force and enroll volunteers or other persons as members of such brigade on such terms and conditions as it may think fit.

Auxiliary
fire brigade.

²4. The State Government may from time to time make such general or special orders as it thinks fit—

Power of
State
Govern-
ment to
make
orders with
respect to
the fire
brigade.

for furnishing the fire brigade with such fire-fighting appliances as it deems proper ;

for building or providing stations, or hiring places, for accommodating the members of the fire brigade and keeping its fire-fighting appliances ;

³for giving ⁴[rewards] to persons who have given notice of fires and to those who have rendered effective service to the fire brigade on the occasion of fires ;

for the training, discipline and good conduct of the members of the fire brigade ;

for the speedy attendance of members of the fire brigade with necessary fire-fighting appliances on the occasion of any alarm of fire ;

¹See foot-note 5 on page 22, *ante*.

²For the Rules for the regulating the recruitment of members of the West Bengal Fire Services, made under sec. 4 of this Act and article 309, proviso of the Constitution, see notification No. L.S.G. 3R—8/50, dated 24.11.51, published in the *Calcutta Gazette* of 1951, Part I, pages 3281-3286, as subsequently amended from time to time.

³For notification relating to Order for giving gratuities (rewards) for service on the occasion of fires, see notification No. L.S.G. 2S-28/50, dated 8.1.51, published in the *Calcutta Gazette*, of 1951, Part I, page 131.

⁴This word was substituted for the word "gratuities" by sec. 3 of the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951).

West Ben. Act

(Chapter II.—Fire Brigade.—Sections 4A, 4B.)

¹for sending the members of the fire brigade with necessary fire-fighting appliances, beyond the limits of any ²[area] in which this Act is in force, in order to extinguish fire in the neighbourhood of such limits on such terms and conditions as it deems proper ;

³for the 'employment of the members of the fire brigade on such terms and conditions as it deems proper in any work not connected with extinguishing fire, for which the fire brigade may, in its opinion, be usefully and appropriately employed ;

for enforcing discipline and imposing punishment on any member of the fire brigade who may infringe orders ;

⁴for regulating and controlling the powers, duties and functions of the Director ; and

generally, for the maintenance of the fire brigade in a due state of efficiency.

Fees payable for extinguishing fire in areas where the Act is not in force.

⁵4A. (1) Where ⁷[the fire brigade is sent beyond the limits of any area] in which this Act is in force, in order to extinguish fire in a warehouse or a workshop in the neighbourhood of such limits, the occupier of the warehouse or the workshop shall be liable to pay such fee as may be prescribed in this behalf.

(2) The fee referred to in sub-section (1) shall be payable within one month of the service of a notice of demand by the Director on the occupier and if it is not paid within such period, it shall be recoverable as a public demand.

Duties of members of fire brigade.

⁸4B. It shall be the duty of every member of the fire brigade to give effect promptly to the lawful commands of the Director or the officer in immediate

¹For notification in connection with Order relating to sending members of the fire brigade of a particular area to extinguish fire outside that area, see notification No. L.S.G. 2F-49/50 (II), dated 29.2.52, published in the *Calcutta Gazette* of 1952, Part I, page 1803, as subsequently amended.

²Substituted for the words "local area" by sec. 5(1) of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

³Substituted for the paragraph beginning with the words "for the employment of the members of the fire brigade" by sec. 5(2), *ibid.*

⁴For notification in connection with Order relating to the employment of members of the fire brigade in work other than fire extinguishing, see notification No. L.S.G. 2F-48/50, dated 12.11.51, published in the *Calcutta Gazette* of 1951, Part I, pages 3113-3118, as subsequently amended from time to time.

⁵For notification relating to Order for regulating and controlling the powers, duties and functions of the Director, West Bengal Fire Services, see notification No. L.S.G. 2F-47/50, dated 28.7.50, published in the *Calcutta Gazette* of 1950, Part I, page 1594, as subsequently amended from time to time.

⁶This new section was inserted by sec. 4 of the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951).

⁷These words were substituted for the words "members of the fire brigade are sent beyond the limits of any local area" by sec. 6 of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

⁸Sections 4B and 4C were inserted by sec. 7, *ibid.*

XVIII of 1950.]

(Chapter II.—Fire Brigade.—Sections 4C, 5.)

charge of the fire brigade on the occasion and at the site of a fire, and generally to discharge the duties imposed upon him by this Act or any orders, rules or regulations made thereunder.

¹4C. No member of the fire brigade shall resign his office or withdraw himself from the duties thereof unless expressly permitted in writing by the Director to do so or unless he shall have given to the Director at least one month's notice in writing of his intention to do so.

Prohibition of resignation or withdrawal from duties without permission or notice.

5. (1) On the occasion of a fire, the Director or the officer in charge of the members of the fire brigade on the spot, may—

Powers exercisable on the occasion of a fire.

- (a) remove or may order any member of the fire brigade to remove, any persons who by their presence interfere with the due operations of the fire brigade ;
- (b) by himself or by members of the fire brigade, break into or through, or pull down, any premises for the purpose of putting an end to the fire, doing as little damage as possible ;
- (c) cause the mains and pipes of any area to be shut off so as to give greater pressure of water in the place where the fire has occurred ;
- ²(cc) cause the water of any stream, cistern, tank, well or other available source of water supply, public or private, to be utilised for the purpose of extinguishing, or limiting the spread of, such fire ;
- (d) exercise the same powers for dispersing any assembly of persons likely to obstruct the operation of the fire brigade, as if he were an officer in charge of a police-station and as if such an assembly were an unlawful assembly and shall be entitled to the same immunities and protection as such an officer, in respect of the exercise of such powers ; and
- (e) generally take such measures as may appear necessary for the preservation of life and property.

(2) The Director or the officer in charge of the members of the fire brigade on the spot, may verbally nominate and depute one or more member or members of the fire brigade to act at a distance ; and such member or members shall have for the time being the like powers as the Director or such officer himself possesses under this section.

¹See foot-note 8 on page 24, ante.

²Clause (cc) was inserted by sec. 8 of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

[West Ben. Act

(Chapter II.—Fire Brigade.—Sections 5A—8.)

Power to enter into agreement with the authority in charge of water supply.

¹5A. The State Government may enter into an agreement with any person or authority in any area in which this Act is in force for securing, in case of fires in such area, an adequate supply of water on such terms as may be specified in the agreement.

Power to enter into agreement with persons maintaining fire-fighting arrangements for assistance.

¹5B. The State Government may enter into an agreement with any person or authority maintaining any fire-fighting arrangements in any area in which this Act is in force, for securing, on such terms as may be specified in the agreement, the assistance of such person or authority in dealing with fires in such area.

All vehicles to give way to fire brigade vehicles, etc., proceeding to a fire.

¹5C. Whenever any vehicle of the fire brigade is proceeding to a fire and using fire alarms, all other vehicles, not being police vehicles or ambulances, shall give way to such vehicle of the fire brigade.

Police-officers to aid the fire brigade in execution of its duties.

6. Police-officers of all grades shall be authorised and bound to aid the fire brigade in the execution of its duties. They may close any street in or near which a fire is burning ; and they may, on their own motion or on the request of the Director or any member of the fire brigade, remove any persons who interfere by their presence with the operations of the fire brigade.

Non-liability of police-officer, etc., to

¹7. No officer of the police and no member of the fire brigade shall be held liable to damages on account of any act done by him in the *bona fide* belief that such act was required for the proper execution of his duties.

Enquiry into origin of fire and report to Magistrate.

8. (1) In the case of any fire occurring within any ²[area] in which this Act is in force, the seniormost officer in rank among the members of the fire brigade in that ³[area] ⁴[or where members of the fire brigade are sent beyond the limits of any ³[area] in which this Act is in force to extinguish fire in the neighbourhood of such limits, the seniormost officer in rank among the members so sent], shall ascertain the facts as to the origin and cause of such fire and shall make a report thereon to the Magistrate having jurisdiction in the place in which such fire shall have occurred ; and the said Magistrate, in any case where he may see fit, shall summon witnesses and take evidence in order to the further ascertainment of such facts.

¹Sections 5A, 5B and 5C were inserted by sec. 9 of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

²This word was substituted for the words "local area" by sec. 10, *ibid*.

³These words were inserted by sec. 5 of the West Bengal Fire Services (Amendment) Act, 1951 (West Bengal Act XXV of 1951).

XVIII of 1950.]

(Chapter III.—Fire-works, etc.—Sections 9—11.)

(2) Copies of all reports and of all evidence recorded under this section shall be furnished on application to any Fire Assurance Company or other person interested, on payment of the fees payable for the copies of judicial proceedings.

CHAPTER III.

FIRE-WORKS, ETC.

¹9. No person shall let off rockets or send up fire-balloons or sell fire-works within any area in which this Act is in force, without a license. A license for letting off rockets or sending up fire balloons shall, in any area, be subject to the provisions of clause (11) of section 66 of the Calcutta Police Act, 1866, or of clause (10) of section 40 of the Calcutta Suburban Police Act, 1866, or of any other law on the subject, for the time being in force in such area, and shall indicate the place from which, the time at which and the conditions subject to which, the rockets are to be let off or the fire-balloons sent up, as the case may be, and a license for selling fire-works shall require prescribed conditions specified in the license to be complied with.

License for letting off rockets, etc.

Ben. Act IV of 1866.
Ben. Act II of 1866.

²10. (1) The power of granting a license under section 9 shall be exercised by the Collector.

Who may grant license ; fee for license.

(2) (a) The fee for a license to let off rockets or to send up fire-balloons for any particular occasion shall be one rupee.

(b) The annual fee for a license to sell fire-works shall be ³[fifteen rupees] payable in advance.

⁴11. A license granted under section 9 may, without prejudice to any other action that may be taken against the licensee, be suspended or withdrawn by the Collector after giving the licensee an opportunity of being heard, if in the opinion of the Collector it is necessary to do so in the public interest or, in the case of a license to sell fire-works, if there has been a breach of any prescribed condition.

Power to withdraw or suspend license.

¹This section was substituted for the original sec. 9 by sec. 11 of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XX¹ of 1960).

²This section was substituted for the original section by sec. 6 of the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951).

³These words were substituted for the words "ten rupees" by sec. 12 of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

⁴Sec. 11 was substituted for the original sec. 11, by sec. 13, *ibid.*

[West Ben. Act

(Chapter IV.—Licensed Warehouses or Workshops.—
Sections 12—14.)

CHAPTER IV.

LICENSED WAREHOUSES OR WORKSHOPS.

License
for ware-
house or
workshop.

12. No building or place shall be used as a warehouse ¹[or as a workshop] unless the owner or occupier thereof shall have previously obtained under this Act, a license for such use from the Collector.

Conditions
to which a
building
or place
is to
conform
before
issue of
license.

13. No license to use any building or place as a warehouse ²[or as a workshop] shall be granted unless such building or place conforms to such conditions as may be prescribed.

License of
building
or place
already
used as
warehouse
or work-
shop.

³14. The owner or occupier of any building or place which was being used as a warehouse or workshop immediately before the date on which this Act comes into force in the ⁴[area] within which such building or place is situated and the owner or occupier of any building or place situated within any ⁴[area] in which the Act is in force, which was being used as a workshop immediately before the date of publication of the notification under clause (m) of section 2 by which such building or place comes under the definition of workshop in the said clause shall, upon application made in writing to the Collector within one month from the date on which this Act comes into force in the said ⁴[area] or from the date of publication of the said notification, as the case may be, be entitled to obtain a license to use such building or place as a warehouse or workshop under this Act, subject to the payment of the annual fee referred to in section 18 :

Provided that—

- (a) in case an application is made to the Collector for a license for such building or place after the commencement of the West Bengal Fire Services (Amendment) Act, 1951, it shall be accompanied by a plan in duplicate prepared in accordance with the provisions of sub-section (1) of section 15 of such building or place ;

West Ben.
Act
XXVII
of 1951.

¹These words were inserted by sec. 7 of the West Bengal Fire Services (Amendment), Act, 1951 (West Ben. Act XXVII of 1951).

²These words were inserted by sec. 8, *ibid.*

³This section was substituted for the original section by sec. 9, *ibid.*

⁴This word was substituted for the words "local area" by sec. 14 of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

XVIII of 1950.]

(Chapter IV.—Licensed Warehouses or Workshops.—Section 15.)

West Ben.
Act
XXVII
of 1951.

Ben. Act
I of 1893.

(b) in case the owner or occupier has obtained a license for a building or place used as a warehouse before the commencement of the West Bengal Fire Services (Amendment) Act, 1951, he shall submit with his first application made after the commencement of the said Act for renewal of his license under sub-section (3) of section 15 a plan in duplicate prepared in accordance with the provisions of sub-section (1) of section 15 of such building or place ;

(c) if the owner or occupier of such building or place already holds a license for use thereof as a warehouse under the Licensed Warehouse and Fire Brigade Act, 1893, he shall be entitled to deduct the proportionate amount already paid by him for the unexpired portion of such license from such annual fees ;

(d) if such building or place does not conform to the conditions prescribed under section 13 the owner or occupier shall within three months of obtaining the license for use thereof as a warehouse or workshop under this Act, effect necessary changes to conform to such conditions and in the event of his failure to do so the license shall be liable to be cancelled by the Collector.

15. (1) Save as provided in the last preceding section, every person proposing to use as a warehouse ¹[or as a workshop] any building or place situated within any ²[area] in which this Act is in force, shall apply to the Collector ³[in the prescribed form for a license] and shall submit with his application a plan in duplicate of such building or place prepared on a ⁴scale of [one metre to a centimetre], showing—

License of
new ware-
house or
workshop.

(a) the boundaries of such building or place ;

(b) the position of the engines and furnaces used or proposed to be used in the warehouse ⁵[or in the workshop] ; ⁶*

⁷(bb) the position of the source of water-supply capable of yielding a sufficient supply of water for the purpose of fire-fighting in the event of a fire ; and

¹These words were inserted by sec. 10(a)(i) of the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951).

²This word was substituted for the words "local area" by sec. 15(1)(a) of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

³These words were inserted by sec. 15(1)(b), *ibid.*

⁴These words were substituted for the words "eight feet to an inch" by sec. 2 of the West Bengal Fire Services (Amendment) Act, 1962 (West Ben. Act XXVI of 1962).

⁵These words within square brackets were inserted by sec. 10(a)(ii) of the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951).

⁶The word "and" was omitted by sec. 15(1)(c) of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

⁷Clause (bb) was inserted by sec. 15(1)(d), *ibid.*

[West Ben. Act**(Chapter IV.—Licensed Warehouses or Workshops.—Section 15.)**

(c) the space which has been reserved for the loading and unloading of carts and other vehicles or conveyance thereat.

¹Provided that where such building or place covers, in the opinion of the Collector, a large area, the Collector may, if he so thinks fit, accept a plan prepared on such other scale as appears to him to be suitable.

²(2) Upon such application as aforesaid being made, the Collector shall refer the case to the Director and shall grant or refuse the license as may be recommended by the Director.

(3) Every license granted under section 14 or under sub-section (2) shall be required to be renewed annually; applications for renewal shall be made to the Collector, ³[who shall refer the case to the Director and the Collector shall grant or refuse renewal as may be recommended by the Director].

⁴(3a) When a license is granted under this section or on application under section 14 accompanied by a plan in duplicate of such building or place or when a license is renewed on application submitted with a plan in duplicate under proviso (b) to section 14, a copy of the plan authenticated by the Collector in the manner prescribed shall be returned to the licensee. ⁵[Such authenticated copy shall be preserved in good condition by the licensee and he shall produce it before an inspecting officer for scrutiny whenever demanded].

⁶(3b) Every license granted under sub-section (2) shall have effect from the date on which the license is granted and the renewal of every license renewed under sub-section (3) shall have effect from the date following the date of expiry of the license which is renewed :

Provided that where for any reason no order either granting or refusing a license is made under sub-section (2) within a period of thirty days from the date of receipt by the Collector of the application for the license, the applicant may, on the expiry of such period and for so long as the license is not refused, use the building or place concerned for the purpose for which the license is applied for, and if the license is subsequently granted, the license shall have effect, from the date following the date of expiry of such period.

¹This proviso was added by sec. 15(2) of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

²This sub-section (2) was substituted for the original sub-section by sec. 10(b) of the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951).

³These words were substituted for the words "who may in his discretion grant or refuse renewal" by sec. 10(c), *ibid.*

⁴This new sub-section (3a) was inserted by sec. 10(d), *ibid.*

⁵These words were added by sec. 15(3) of the West Bengal Fire Services (Amendment) Act, 1960 (West Bengal Act XXI of 1960).

⁶Sub-section (3b) was inserted by sec. 15(4), *ibid.*

XVIII of 1950.]

(Chapter IV.—Licensed Warehouses or Workshops.—
Sections 16, 17.)

¹(4) A license or renewal of a license, for which an application has been duly made under sub-section (1) or sub-section (3), shall not be granted if the Collector is satisfied that the area in which the building or place proposed to be used or continued to be used as a warehouse or workshop is in the public interest unsuitable for the purpose. Where any such license or renewal of license is refused, the Collector shall record in writing the reasons for such refusal and shall communicate his order of refusal to the applicant.

(5) An appeal shall lie to the Commissioner from an order refusing a license or the renewal of a license. ²[The period of limitation for presenting such appeal shall be thirty days from the date of receipt of the communication referred to in sub-section (4) :

Provided that no appeal shall be entertained unless the memorandum of appeal bears a court-fee stamp of one rupee.]

16. Every application for a license under section 14 or under section 15 shall be disposed of within thirty days from the date of its receipt by the Collector and if it is not disposed of within that period, the applicant shall not be liable to any penalties under this Act, for the use as a warehouse ³[or as a workshop] of the building or place in respect of which the application was made, after the said period of thirty days, so long as such application is not refused by the Collector.

Period for disposal of application for license.

17. Licenses for a warehouse ⁴[or workshop] shall be subject to the following conditions ⁵[and such other conditions as may be prescribed in this behalf], namely :—

Conditions to which a license shall be subject.

- (a) that the warehouse ⁴[or workshop] shall at all times be open to the inspection by such officer or officers, being member or members of a fire brigade as may be appointed by the Director ;
- (b) that the warehouse ⁴[or workshop] shall conform to the conditions prescribed under section 13 ;
- (c) that no article referred to in clause (1) of section 2, shall be made, prepared, dried or treated in any manner on the top or roof of any building constituting or forming part of a warehouse ⁴[or workshop] ; and

¹Sub-section (4) was substituted for the original sub-section (4) by sec. 15(5), of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

²This portion within square brackets was added by sec. 15(6), *ibid.*

³These words were inserted by sec. 11 of the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951).

⁴These words were inserted by sec. 12(a), *ibid.*

⁵These words were inserted by sec. 12(b), *ibid.*

[West Ben. Act

(Chapter IV.—Licensed Warehouses or Workshops.—Section 18.)

- (d) that no part of a warehouse used for pressing or screwing jute or cotton shall be used as a residence and that no person shall be allowed to bring into such warehouse any match-boxes or match-sticks or any artificial light not duly and thoroughly protected or to smoke within such warehouse, while jute or cotton is stored therein.

Annual fee.

18. ¹(1) The annual fee in respect of a license under section 14 or sub-section (2) of section 15 shall be payable in advance.

¹(1a) An applicant for renewal of a license under sub-section (3) of section 15 shall make his application before the date of expiry of the license and shall, at the time of making the application, deposit an amount equal to the fee he had last paid for the license and, if so required, shall also deposit, by such date as may be fixed in this behalf by the Collector, any other amount, being the difference between the amount already deposited and the amount of fee assessed for the renewal.

¹(1b) The annual fee shall be payable—

(i) in the case of an application made under section 14—
from the date of coming into force of this Act or the date of publication of the notification referred to in that section, as the case may be ; and

(ii) in the case of an application made under sub-section (1) or sub-section (3) of section 15—from the date from which the license or the renewal of the license, as the case may be, has effect.

(2) The annual fee shall be calculated at such rate not being less than ten *per cent.* nor more than twenty-five *per cent.* of the annual value of the building or place used as a warehouse ²[or as a workshop], as may be prescribed and different rates may be prescribed for different classes of warehouses according to the nature and quantity of the article stored, pressed or kept therein ³[and for different classes of workshops according to the nature of the processing carried on or the quantity or nature of the articles processed therein] :

⁴Provided that the annual fee for no warehouse or workshop shall be less than ten rupees or more than such amount as may be prescribed, and different amounts may be prescribed in this behalf for different classes of warehouses and for different classes of workshops as aforesaid :

¹Sub-sections (1), (1a) and (1b) were substituted for the original sub-section (1) by sec. 16(a) of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

²These words were inserted by sec. 18(b)(i) of the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951).

³These words were added by sec. 18(b)(ii), *ibid.*

⁴This proviso was substituted for the original proviso by sec. 16(b) of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

XVIII of 1950.]

(Chapter IV.—Licensed Warehouses or Workshops.—Section 18.)

¹Provided further that if the owner or occupier of a warehouse or workshop maintains, within the warehouse or workshop or at a place within such distance therefrom as the Director may consider reasonable for use in the warehouse or workshop in case of necessity, any fire-fighting appliances of such types as may be prescribed, then a rebate, calculated at such rates as may be prescribed in respect of such types of fire-fighting appliances or different combinations thereof, not being less than ten *per cent.* nor more than thirty-three and one-third *per cent.* on the annual fee determined under this sub-section shall be allowed to such owner or occupier.

(3) For purposes of sub-section (2) the annual value of ²[a building or place used as a warehouse or as a workshop] shall be deemed—

(a) if it is situated within a municipality, to be the annual value at which it is assessed for the payment of municipal taxes : ³[* *]

⁴Provided that if such building or place forms part of any premises or holding assessed as a whole for the payment of municipal taxes, the annual value of such building or place shall be such as may be determined in this behalf by the Collector ⁵[for such building or place separately] having regard to the annual value as assessed for the payment of municipal taxes of the premises or holding of which such building or place forms parts. ⁶[and the annual fee referred to in sub-section (2) and the maximum for the annual fee referred to in the first proviso to sub-section (2) shall be calculated separately for such building or place and the annual fee so calculated shall be payable under sub-section (1) separately for such building or place] ; and

(b) if it is situated outside a municipality, to be seven and half *per cent.* of the current market value of the building (which expression shall in this section and elsewhere in this Act include any land appurtenant to the building) or place as determined by the Collector, subject to revision by the Commissioner, such revision being final.

¹This further proviso was added by sec. 2(a) of the West Bengal Fire Services (Amendment) Act, 1957 (West Ben. Act XIII of 1957)

²These words were substituted for the words "building or place used as a warehouse" by sec. 13(c)(i), of the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951).

³The word "and" was omitted by sec. 13(c)(ii), *ibid.*

⁴This proviso was added by sec. 13(c)(iii), *ibid.*

⁵These words were inserted with retrospective effect by sec. 2(b)(i) of the West Bengal Fire Services (Amendment) Act, 1957 (West Ben. Act XIII of 1957).

⁶These words were inserted with retrospective effect by sec. 2(b)(ii), *ibid.*

[West Ben. Act

(Chapter IV.—Licensed Warehouses or Workshops.—
Sections 19—22.)

Change in
occupa-
tion of
warehouse
or work-
shop to be
notified.

19. Whenever and so often as a change in the occupation of any warehouse ¹[or workshop] occurs, the person entering into occupation of the same shall, within two weeks of his so entering into occupation, give notice in writing to the Collector of such change of occupation, and shall thereupon pay a fee of ten rupees ; and his name shall accordingly be substituted in the license in respect of the warehouse ¹[or workshop] for the name of the last occupier.

Collector
may apply
to Magis-
trate for
cancellation
of
license.

20. (1) Whenever the Collector receives credible information that any condition to which the license of any warehouse ²[or workshop] is subject, has been broken by the holder thereof, the Collector shall communicate in writing the substance of such information to a Magistrate and the Magistrate may issue a summons upon the holder of the license to show cause why the license should not be cancelled or suspended and may suspend such license pending hearing of the case.

(2) The Magistrate shall not make the order suspending such license unless he is satisfied that it is necessary to prevent or obviate immediate danger or injury of a serious kind.

(3) The summons issued under this section shall be served upon the said holder of the license named therein in the manner provided in the Code of Criminal Procedure, 1898, for the service of summons.

Act V of
1898.

Magistrate
may cancel
or suspend
license.

21. The Magistrate, before whom the case instituted under the last preceding section is brought on for disposal, may, if he be satisfied after taking the evidence that there exists reasonable and proper grounds for cancelling or suspending the license, cancel such license or may suspend the same, for such time as he may think fit and may impose such conditions as to the reversal of such order of cancellation or suspension as may be consistent with the provisions under this Act for the grant of a license for a warehouse ³[or workshop].

Delegation
of powers
by Collec-
tor.

22. The Collector may delegate any of his powers, duties and functions under this Chapter to any officer or officers subordinate to him.

¹These words were inserted by sec. 14 of the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951).

²These words were inserted by sec. 15, *ibid.*

³These words were added by sec. 16, *ibid.*

XVIII of 1950.]

*(Chapter IV.—Licensed Warehouses or Workshops.—
Section 23.)*

¹23. (1) The State Government may, by general or special order published in the *Official Gazette*, direct that such of the powers, duties and functions of the Collector under this Act as may be specified in the order, shall be exercised and performed also by—

Powers of State Government to direct delegation of powers.

- (a) the Director or such other officer as the State Government may specify in the order, or
- (b) in Calcutta, the Commissioner of the Corporation of Calcutta, or
- (c) in any other municipality, the Chairman of the Commissioners of the Municipality, or
- (d) in Chandernagore, the Chief Executive Officer of the Municipal Corporation of Chandernagore.

(2) Where the State Government makes an order under sub-section (1) directing the Commissioner of the Corporation of Calcutta or the Chairman of the Commissioners of a municipality or the Chief Executive Officer of the Municipal Corporation of Chandernagore to exercise or perform any powers, duties or functions of the Collector under this Act, such Commissioner, Chairman or Chief Executive Officer, may by order authorise any officer of the Corporation of Calcutta or of the Commissioners of the municipality or of the Municipal Corporation of Chandernagore, as the case may be, to exercise or perform, subject to his control and supervision, any or all such powers, duties and functions.

(3) Where the Commissioner of the Corporation of Calcutta or the Chairman of the Commissioners of a Municipality or the Chief Executive Officer of the Municipal Corporation of Chandernagore or any other officer acting in pursuance of an order under sub-section (1) or sub-section (2) realises any fee under this Act, such fee shall be paid to the State Government at such times and after making such deduction for the cost of collection and other incidental expenses therefor as may be prescribed.

¹This section was substituted for the original section by sec. 17 of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

²For notification declaring that the powers, duties and functions of the Collector under the Act, except the power under sec. 22, shall be exercised and performed by the Director, see notification No. F.8L-7/52, dated 28.3.53, published in the *Calcutta Gazette, Extraordinary* of 1953, Part I, page 21.

[West Ben. Act

(Chapter IVA.—Temporary Structures and Pandals.—Section 23A.—Chapter V.—Penalties.—Sections 23B, 23C.)

¹[CHAPTER IVA.

TEMPORARY STRUCTURES AND PANDALS.

Erection
of tempo-
rary struc-
tures or
pandals.

23A. (1) A person who intends to erect a temporary structure or *pandal* with roof or walls made of straw, hay, *ulu grass*, *golpata*, *hogla*, *darma*, mat, canvas or other like material, for use as a place where members of the public may assemble, shall apply to the Director for permission to erect such structure or *pandal* and such permission shall not be refused if the structure or *pandal* conforms to the conditions that may be prescribed in this behalf.

(2) No structure or *pandal* referred to in sub-section (1) shall be erected—

(a) unless it conforms to the conditions referred to in sub-section (1) ; and

(b) unless permission of the Director has been granted under sub-section (1) :

Provided that where no order granting or refusing the permission is made within such period as may be prescribed in this behalf, the structure or *pandal* may be erected if it conforms to the conditions referred to in sub-section (1).

Explanation.—For the purpose of the above proviso, different periods may be prescribed for different kinds of structures and *pandals*.]

CHAPTER V.

PENALTIES.

Penalty for
contraven-
ing provi-
sions of
section 4B
or 4C.

²23B. Any member of the fire brigade who contravenes any provision of section 4B or section 4C shall be punishable, on conviction before a Magistrate, with fine which may extend to one hundred rupees.

Penalty for
not giving
way to fire
brigade
vehicles.

²23C. Any person who, being in charge of a vehicle, contravenes the provisions of section 5C shall be punishable, on conviction before a Magistrate, with fine which may extend to one hundred rupees.

¹This Chapter IVA containing section 23A was inserted by sec. 17 of the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951).

²Sections 23B and 23C were inserted by sec. 18 of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

XV, II of 1950.]

(Chapter V.—Penalties.—Sections 24—27.)

24. Any person who, within any ¹[area] in which this Act is in force, lets off rockets or sends up fire-balloons or sells fire-works without obtaining a license, ²[or where a license to sell fire-works has been granted, breaks any of the prescribed conditions specified therein] shall be punishable, on conviction before a Magistrate, with fine which may extend to one hundred rupees for every such offence.

Penalty for letting off rockets, etc.

25. If any rockets are let off or fire-balloons sent up from within the precincts of any private premises or compound without a license, the owner or occupier or person under whose immediate control the premises or compound is, shall, unless he can prove that the offence was committed without his knowledge, be punishable, on conviction before a Magistrate, with fine not exceeding one hundred rupees.

Penalty on house-holders for allowing rockets, etc., to let off without license.

26. Any person who without a license uses any building or place as a warehouse ³[or as a workshop] shall be punishable, on conviction before a Magistrate, with fine not exceeding ⁴[five hundred rupees or with imprisonment for a term which may extend to two months or with both, and with further fine not exceeding one hundred rupees for each day during which he may continue to so use] such warehouse ⁵[or workshop].

Penalty for not taking out a license for a warehouse or workshop

27. Any person who uses any warehouse ⁶[or workshop] in respect of which a license has been refused, or after the license in respect thereof has been cancelled or during the time for which such license has been suspended, shall be punishable, on conviction before a Magistrate, with fine not exceeding ⁷[five hundred rupees or with imprisonment for a term which may extend to two months or with both, and with further fine not exceeding one hundred rupees for each day during which he may continue to so use such warehouse or workshop].

Penalty for using warehouse or workshop after refusal, etc., of license.

¹This word was substituted for the words "local area" by sec. 19(1) of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

²These words were inserted by sec. 19(2), *ibid.*

³These words were inserted by sec. 18(a) of the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951).

⁴These words were substituted for the words "one hundred rupees for each day during which he may so use or continue to use" by sec. 20 of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

⁵These words within square brackets were added by sec. 18(b) of the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951).

⁶These words within square brackets were inserted by sec. 19, *ibid.*

⁷These words were substituted for the words "four hundred rupees and to further fine not exceeding one hundred rupees for every day during which any such warehouse or workshop may be so used as aforesaid" by sec. 21 of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

(Chapter V.—Penalties.—Sections 28—32.)

Penalty for breach of conditions.

28. Any holder of a license who breaks any of the conditions under which a license is held in respect of any warehouse ¹[or workshop] shall be punishable, on conviction before a Magistrate, with fine not exceeding one hundred rupees ²[or with imprisonment for a term which may extend to one month or with both] for any one such offence.

Penalty for failing to notify change in occupation of warehouse or workshop.

29. If and so often as there be a change in the occupation of any warehouse ³[or workshop], the person entering into occupation fails to give a notice and to pay the fees required by section 19 such person shall be punishable, on conviction before a Magistrate, with fine not exceeding twenty rupees for each day during which he may so use or continue to use such warehouse ⁴[or workshop].

Penalty for giving false information to Collector respecting license.

30. Any person who gives false information to the Collector or to any person performing or exercising powers, duties and functions of the Collector under this Act, with the object of inducing him to take action under section 20 shall be punishable, on conviction before a Magistrate, with fine not exceeding one hundred rupees ⁵[or with imprisonment for a term which may extend to one month or with both].

Penalty for using as residence of warehouse used for pressing jute or cotton.

31. Any person who uses as a residence any portion of a warehouse used for pressing or screwing of jute or cotton if jute or cotton be then stored therein shall be punishable ⁶[, on conviction before a Magistrate, with fine not exceeding one hundred rupees and with further fine not exceeding twenty rupees for each day during which he may continue to so use it.]

Penalty for using match-boxes, etc., in warehouse.

32. Any person who brings into a warehouse used for the pressing or screwing of jute or cotton if jute or cotton be then stored or used therein, any match-boxes, match-sticks or any artificial light not duly and thoroughly protected, shall be punishable, on conviction before a Magistrate, with fine not exceeding ⁷[one hundred rupees] for any such offence.

¹These words within square brackets were inserted by sec. 20 of the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951).

²These words were inserted by sec. 22 of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

³These words within square brackets were inserted by sec. 21 of the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951).

⁴These words were added by sec. 23 of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

⁵These words were substituted for the words "with fine not exceeding twenty rupees for each day during which he may reside therein" by sec. 24, *ibid.*

⁶These words were substituted for the words "twenty rupees" by sec. 22 of the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951).

XVIII of 1950.]

(Chapter V.—Penalties.—Sections 33—33C.—Chapter VI.—Miscellaneous.—Section 34.)

33. Any person who smokes within a warehouse used for the pressing or screwing of jute or cotton if jute or cotton be then stored therein shall be punishable, on conviction before a Magistrate, with fine not exceeding ¹[one hundred rupees] for any one such offence.

Penalty for smoking within warehouse.

* ²33A. Any person who erects any structure or *pandal* in contravention of the provisions of sub-section (2) of section 23A, shall be punishable, on conviction before a Magistrate, with fine not exceeding one hundred rupees ³[or with imprisonment for a term which may extend to one month or with both and with further fine not exceeding ten rupees for each day] during which such contravention continues.

Penalty for erecting structure, etc., in contravention of section 23A.

⁴33B. Any person who wilfully obstructs, or offers any resistance to, or impedes or otherwise interferes with the Director or any officer exercising powers under section 37A or any assistant accompanying the Director or such officer while exercising such powers, shall be punishable, on conviction before a Magistrate, with fine not exceeding one hundred rupees.

Penalty for obstructing persons exercising powers under section 37A.

⁵33C. All offences punishable under this Chapter shall be bailable and shall, except where punishable under section 23B, be cognizable.

Offences—bailable and cognizable.

CHAPTER VI.

* MISCELLANEOUS.

34. ⁶(1) If the Commissioner of the Corporation of Calcutta or the Chairman of the Commissioners of a municipality or the Chief Executive Officer of the Municipal Corporation of Chandernagore or any other officer fails to make any payment as required under sub-section (3) of section 23, the State Government may attach the respective municipal fund or any portion thereof.

Failure of Corporation or municipality to pay annual fees collected.

¹These words were substituted for the words "twenty rupees" by sec. 23 of the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951).

²This new section 33A, was inserted by sec. 24, *ibid*.

³These words were substituted for the words "and to further fine not exceeding ten rupees for every day" by sec. 25 of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

⁴This section 33B was inserted by sec. 3 of the West Bengal Fire Services (Amendment) Act, 1952 (West Ben. Act XI of 1952)

⁵Section 33C was inserted by sec. 26 of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

⁶Sub-section (1) was substituted for the original sub-section by sec. 27(a) of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

(Chapter VI.—Miscellaneous.—Sections 35—37.)

[West Ben. Act

(2) After such attachment, no person except an officer appointed in this behalf by the State Government shall in any way deal with the attached fund or portion thereof ; but such officer may do all acts in respect thereof which the Corporation of Calcutta or the Commissioners of the municipality ¹[or the Municipal Corporation of Chandernagore] or any municipal officer or servant might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrear and of all expenses caused by the attachment and subsequent proceedings :

Provided that no such attachment shall defeat or prejudice any debt for which the fund attached was previously pledged in accordance with law ; but all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the arrear due to the State Government.

Police-officer
may arrest
offenders
under section 24.

35. (1) Any person committing an offence under section 24 may, if his name and address be unknown, be arrested by any officer of police and forthwith conveyed before a Magistrate having jurisdiction in the place in which such offence has been committed, or shall be taken to the nearest police-station within the said jurisdiction, in order that such person may be detained until he can be brought before a Magistrate or until he shall enter into a recognizance with or without sureties for his appearance before a Magistrate.

~~(2)~~ Whenever such person shall be taken to a police-station, the officer in charge of such station shall, as soon as possible, but in every case within twenty-four hours, cause him to be conveyed before a Magistrate having jurisdiction in the matter.

Form of
license
under
Chapter
IV.

36. Every license granted under Chapter IV of this Act shall, as far as possible, be in the form in the Schedule to this Act.

Act not
to apply
where
small
quantities
of in-
flammable
articles are
deposited.

37. (1) Nothing in this Act shall be deemed to apply to buildings or places where small quantities of any of the articles referred to in clause (1) of section 2 are deposited.

(2) The State Government may from time to time declare by ²notification in the *Official Gazette* what quantities of the articles referred to in clause (1) of section 2 shall be deemed to be small quantities within the meaning of this section.

¹ These words were inserted by sec. 27(b) of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

² For notification declaring that certain articles specified shall be deemed to be small quantities within the meaning of sec. 37 of the Act, see notification No. 1125/F.1A-4/57, dated 8.2.58, published in the *Calcutta Gazette*, of 1958, Part I, pages 521-528.

XVIII of 1950.]

(Chapter VI.—Miscellaneous.—Section 37A.)

¹37A. (1) The Director, or any officer not below the rank of a Station Officer authorised by the Director in this behalf, may enter into or upon any building or place, with or without assistants, in order to make any inspection, test, examination, survey, measurement, ²[weighment,] valuation or enquiry for the purpose of carrying into effect the provisions of this Act or of any rule made thereunder or to obtain information for fire-fighting purposes with respect to the character of the buildings and other property within the local jurisdiction, the available water-supplies and the means of access thereto and other material local circumstances, which in his opinion, it is necessary for any of the purposes or in pursuance of any of the provisions of this Act or any such rule to obtain :

Power of
entry, etc.

Provided that—

- (a) no such entry shall be made between sun-set and sun-rise ;
 - (b) no dwelling-house and no public building or hut which is used as a dwelling place, shall be so entered, except with the consent of the occupier thereof, without giving the said occupier at least twenty-four hours' previous written notice of the intention to make such entry ;
 - (c) notwithstanding any power to enter any building or place hereby conferred, sufficient notice of such entry shall in every instance be given to enable the inmates of any apartment appropriated to females to withdraw to some part of the premises where their privacy need not be disturbed ;
 - (d) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the buildings or places entered. •
- (2) The Director or any officer referred to in sub-section (1) shall not use any force for the purpose of effecting any entry under sub-section (1) unless—
- (i) such entry cannot otherwise be effected ; and
 - (ii) there is reason to believe that an offence is being, or has been, committed against any provision of this Act or any rule made thereunder.
- (3) Except when it is in this Act or in any rule made thereunder otherwise expressly provided, no claim shall lie against any person for compensation for any damage necessarily caused by any entry made under sub-section (1) or by the use of any necessary force under sub-section (2).

¹This new section 37A was inserted by sec. 4 of the West Bengal Fire Services (Amendment) Act, 1952 (West Ben. Act XI of 1952).

²This word was inserted by sec. 28 of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

[West Ben. Act

(Chapter VI.—Miscellaneous.—Sections 37B—39).

Power of
Collector
to call for
information
relating to
annual
valuation.

¹37B. (1) The Collector may call for all necessary information relating to the annual valuation of any building or place used as a warehouse or workshop from the ²[Commissioner of the Corporation of Calcutta or the Chairman of the Commissioners of any municipality in which this Act is in force or the Chief Executive Officer of the Municipal Corporation of Chandernagore, as the case may be,] for the purpose of calculation of fees in respect of licenses under section 18.

(2) The ³[Commissioner of the Corporation of Calcutta or the Chairman of the Commissioners of any municipality in which this Act is in force or the Chief Executive Officer of the Municipal Corporation of Chandernagore, as the case may be,] shall comply with such requisition and furnish such information to the Collector within the prescribed period.

Certain
provisions
of the
Calcutta
Municipal
Act, 1951,
and other
Municipal
Acts not to
apply.

⁴38. On the application of this Act—

(a) to Calcutta, the provisions of section 437 of the Calcutta Municipal Act, 1951, or

(b) to any other municipality or to Chandernagore, the provisions of the Act applicable to such municipality or to Chandernagore, and corresponding to the said provisions of the Calcutta Municipal Act, 1951, shall be deemed to be repealed in so far as they entitle the Corporation of Calcutta or the Commissioners of such municipality or the Municipal Corporation of Chandernagore, as the case may be, to levy fees in respect of any premises or part thereof licensed as a warehouse or workshop under this Act.

West Ben.
Act
XXXIII of
1951.

Repeal of
Bengal
Act I of
1893.

39. The Licensed Warehouse and Fire-Brigade Act, 1893, shall be deemed to be repealed on and from the date on which this Act comes into force in Calcutta ; and on and from such date—

Ben. Act
I of 1893.

(a) without prejudice to the application of section 8 of the Bengal General Clauses Act, 1899, all rules, orders, declarations, financial arrangements and appointments made under the Licensed Warehouse and Fire-Brigade Act, 1893, shall continue in force in so far as they are not inconsistent with the provisions of this Act, until varied or rescinded ;

Ben. Act
I of 1899.

(b) all assets held by the Commissioner of Police, Calcutta, for the use of and on behalf of the Fire Brigade, under the Licensed Warehouse and Fire-Brigade Act, 1893, shall pass to and be vested in the State.

¹This new section 37B was inserted by sec. 4 of the West Bengal Fire Services (Amendment) Act, 1952 (West Ben. Act XI of 1952).

²These words were substituted for the words "Corporation of Calcutta or the Commissioners of a Municipality in which this Act is in force," by sec. 29(a) of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

³These words were substituted for the words "Corporation of Calcutta and the Commissioners of any Municipality in which this Act is in force" by sec. 29(b), *ibid.*

⁴Section 38 was substituted for the original section 38 by sec. 30, *ibid.*

XVIII of 1950.]

(Chapter VI.—Miscellaneous.—Section 40.)

40. (1) The State Government may, by notification in the *Official Gazette*, make rules¹ for carrying out the purposes of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- ²(1a) the determination of the fee referred to in section 4A ;
- ³(1b) the form of any license referred to in section 9 and the conditions to be specified in such license for selling fire-works ;
- (a) the conditions referred to in section 13 to which a building or place shall conform before a license can be granted ;

¹For rules made in exercise of the power conferred by this section, see the following notifications of the Local Self-Government Department, namely :—

- (1) Notifications Nos. L.S.-G. O-8/50-II and L.S.-G.1A-10/5, both dated the 20th April, 1950, published in the *Calcutta Gazette*, Extraordinary, dated the 20th April, 1950, Pt. I, page 521 ;
- (2) Notification No. L.S.-G.3R-15/51, dated the 11th June, 1951, published in the *Calcutta Gazette*, dated the 21st June, 1951, Pt. I, page 1471 ;
- (3) Notification No. L.S.-G.2F-162/50, dated the 18th July, 1951, published in the *Calcutta Gazette*, dated the 26th July, 1951, Pt. I, page 1886 ;
- (4) Notification No. L.S.-G.2F-49/50(I), dated the 28th February, 1952, published in the *Calcutta Gazette*, dated the 1st May, 1952, Pt. I, page 1304, as subsequently amended ;
- (5) Notification No. L.S.-G.2F-211/51, dated the 2nd July, 1952, published in the *Calcutta Gazette*, dated the 10th July, 1952, Pt. I, page 2207 ;
- (6) Notification No. L.S.G.-1A-35/51/I, dated 10.10.52, published in the *Calcutta Gazette* of 1952, Part I, pages 3341-3342.
- (7) Notification No. L.S.G.4F-9/51, dated the 17th February, 1953, published in the *Calcutta Gazette*, dated the 5th March, 1953, Pt. I, pages 628-633, as subsequently amended ;
- (8) Notification No. F.3L-7/52, dated the 17th April, 1953, published in the *Calcutta Gazette*, dated the 23rd April, 1953, Pt. I, page 1251 ;
- (9) Notification No. F.3L-5/53, dated the 6th June, 1953, published in the *Calcutta Gazette*, dated the 18th June, 1953, Pt. I, page 1996 ;
- (10) Notification No. 7090/F.3L-8/54, dated the 11th August, 1954, published in the *Calcutta Gazette*, dated the 19th August, 1954, Pt. I, page 2779 ;
- (11) Notification No. 618/F.3L-8/55, dated the 20th January, 1956, published in the *Calcutta Gazette*, dated the 2nd February, 1956, Pt. I, page 412.
- (12) Notification No. 1126/F.1A-4/57, dated 3.2.58, published in the *Calcutta Gazette* of 1958, Part I, pages 529-540.
- (13) Notification No. 1879/F.3R-3/57, dated 27.2.58, published in the *Calcutta Gazette* of 1958, Part I, page 767.

²This new clause (1a) was inserted by sec. 25(a) of the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951).

³Clause (1b) was inserted by sec. 31(1) of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

[West Ben. Act**(Chapter VI.—Miscellaneous.—Section 40.)**

¹(aa) the manner of authentication referred to in sub-section (3a) of section 15 ;

¹(aaa) the conditions, other than those expressly mentioned, referred to in section 17 ;

(b) the rate *per cent.* of the annual value of a building or place, at which the annual fee for using such building or place as a warehouse ²[or as a workshop] is to be calculated under sub-section (2) of section 18 ;

(c) the maximum for the annual fee under ³[the first proviso] to sub-section (2) of sections 18 ;

⁴(cc) the types of fire-fighting appliances referred to in the second proviso to sub-section (2) of section 18 and the rates at which rebates referred to in that sub-section shall be calculated ;

(d) the times at which payments shall be made and deductions which may be made under sub-section (2) of section 23 ;

⁵(e) the conditions referred to in sub-section (1) of section 23A and the period of time referred to in the proviso to sub-section (2) of section 23A ;

⁶(f) the period within which the ⁷[Commissioner of the Corporation of Calcutta or the Chairman of the Commissioners of a Municipality or the Chief Executive Officer of the Municipal Corporation of Chandernagore shall furnish information to the Collector referred to in sub-section (2) of section 37B.

¹These new clauses (aa) and (aaa) were inserted by sec. 25(b) of the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951).

²These words were inserted by sec. 25(c) of the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951).

³These words were substituted for the words "the proviso" by sec. 3(a) of the West Bengal Fire Services (Amendment) Act, 1957 (West Ben. Act XIII of 1957).

⁴Clause (cc) was inserted by sec. 3(b), *ibid.*

⁵This new clause (e) was added by sec. 25(d) of the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951).

⁶This new clause (f) was added by sec. 5 of the West Bengal Fire Services (Amendment) Act, 1952 (West Ben. Act XI of 1952).

⁷These words were substituted for the words "Corporation of Calcutta or the Commissioners of a Municipality" by sec. 81(2) of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

XVIII of 1950.]

(Schedule.)

¹SCHEDULE.

(See section 36.)

License under the West Bengal Fire Services Act, 1950.

No. of 19 .

License is hereby granted to.....
under the West Bengal Fire Services Act, 1950,—

to use the building or place being No. (a).....as a
warehouse for storing or pressing or keeping
(b).....

to use the building or place being No. (a).....
.....as a workshop,
subject to the conditions noted on the back and such other
conditions as may be prescribed. It is hereby acknowledged that
a sum of Rupees....., being
the license fee due by the said.....
for the period from.....
to.....²[in respect of the aforesaid
license has been received].

Name of owner.

.....
Name of occupier.

.....
Collector of Stamp Revenue, Calcutta.

.....
Collector of the district of

Executive Officer of the Corporation of Calcutta.

.....
*Chairman of the Commissioners of
Municipality of.....*

The.....day of.....

(a) Here insert the location.

(b) Here insert the name of the article.

¹This Schedule was substituted for the original Schedule by sec. 26 of the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951).

²These words were substituted for the words "in respect of the aforesaid licence at the rate of Re.....*per annum* has been received" by sec. 32 of the West Bengal Fire Services (Amendment) Act, 1960 (West Ben. Act XXI of 1960).

[West Ben. Act XVIII of 1950.]

(Schedule.)

(On the back of the license.)

Conditions.

(1) The warehouse/the workshop shall at all times be open to inspection by such officer or officers, being member or members of the fire bridge, as may be appointed by the Director of Fire Services.

(2) The warehouse/the workshop shall conform to the conditions prescribed under section 13 of the West Bengal Fire Services Act, 1950.

(3) No article referred to in clause (1) of section 2 of the West Bengal Fire Services Act, 1950, shall be made, prepared, dried or treated in any manner on the top or roof of any building constituting or forming part of a warehouse.

(4) (In case the warehouse is used for the pressing or screwing of jute or cotton.) No person shall be allowed to use as residence any part of the warehouse or to bring into the warehouse any match-boxes or match-sticks or any artificial light not duly and thoroughly protected or to smoke within the warehouse, while jute or cotton is stored therein.

West Bengal Act XIX of 1950
THE WEST BENGAL SECURITY ACT, 1950

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West Bengal Act XIX of 1950¹

THE WEST BENGAL SECURITY ACT, 1950.

AMENDED

[West Ben. Act XLVI of 1950.
West Ben. Act XXXII of 1951.
West Ben. Act V of 1953.
West Ben. Act XXXIV of 1955.
West Ben. Act XXIII of 1960.

[31st March, 1950.]

An Act to make special provision for the maintenance of public order by the prevention of illegal acquisition, possession or use of arms, the suppression of subversive movements endangering communal harmony or the safety or stability of the State and the suppression of goondas and for maintaining supplies and services essential to the life of the community.

WHEREAS it is expedient to make special provision for the maintenance of public order by the prevention of illegal acquisition, possession or use of arms, the suppression of subversive movements endangering communal harmony or the safety or stability of the State and the suppression of goondas and for maintaining supplies and services essential to the life of the community ;

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the West Bengal Security Act, 1950.

Short title,
extent,
commence-
ment and
duration.

(2) It extends to the whole of West Bengal.

(3) It shall be deemed to have come into force on the 26th day of January, 1950.

(4) It shall remain in force ²[until the 25th day of January, 1966].

2. In this Act unless there is anything repugnant in the subject or context,—

Definitions.

(1) “essential commodity” means food, water, fuel, light or power and includes such other thing as may be declared by the State Government by notification to be essential for the life of the community ;

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, of the 17th February, 1950, Pt. IV, pages 193-212, and for Proceedings of the West Bengal Legislative Assembly, see the Proceedings of the meetings of the West Bengal Legislative Assembly, held on the 25th February, the 22nd and the 24th March, 1950.

²The words “six years” were originally substituted for the words “three years” by sec. 3 of the West Bengal Security (Amendment) Act, 1953 (West Ben. Act V of 1953) and thereafter the words “until the 25th day of January, 1961” were substituted for the words “for a period of six years from the date on which it comes into force” by sec. 2 of the West Bengal Security (Amendment) Act, 1955 (West Ben. Act XXXIV of 1955), and again the words “the 25th day of January, 1966” were substituted for the words “the 25th day of January, 1961” by sec. 2 of the West Bengal Security (Amendment) Act, 1960 (West Ben. Act XXIII of 1960).

[West Ben. Act

(Chapter I.—Preliminary.—Section 2.)

(2) "goonda" has the same meaning as in the Goondas Act, 1923 ; Ben. Act I of 1923.

(3) "notified" and "notification" mean notified and notification respectively in the *Official Gazette* ;

1* * * *

(5) "prescribed" means prescribed by any order or rule made under this Act ;

(6) "protected place" means a place declared under section 6 to be a protected place ;

(7) "protected area" means an area declared under section 7 to be a protected area ;

(8) "public servant" includes any public servant as defined in the Indian Penal Code and any servant of any local authority or railway administration and any person engaged in any employment or class of employment which the State Government may, from time to time, declare to be employment or class of employment essential to the life of the community ; Act XLV of 1860.

(9) "subversive act" means any act which is intended or is likely—

(a) to endanger—

(i) communal harmony, or

— (ii) the safety or stability of the State ;

(b) to organise, further or help the illegal acquisition, possession or use of—

(i) arms, ammunition or military stores as defined in the Indian Arms Act, 1878, XI of 1878.

(ii) explosive substances as defined in the Explosive Substances Act, 1908, or VI of 1908.

(iii) corrosive substances ** * ;

(c) to further the activities of goondas ;

(d) to prejudice the recruiting of, or the attendance of persons for service in, any police force or fire brigade or any other body of persons entered, enrolled or engaged as public servants or to tamper with the loyalty of such persons ;

(e) to impede, delay or restrict—

(i) any work or operation, or

¹Clause (4) was omitted by sec. 3(1) of the West Bengal Security (Amendment) Act, 1955 (West Ben. Act XXXIV of 1955).

²The words "or liquids" were omitted by sec. 3(2), *ibid.*

XIX of 1950.]

(Chapter I.—Preliminary.—Sections 3—5.)

- (ii) any means of transport or locomotion,
necessary for the production, procurement, supply or distribution of any essential commodity,
except in furtherance of an industrial dispute as defined in the Industrial Disputes Act, 1947.

XIV of
1947.

Explanation.—(i) Acts *bona fide* indicating disapprobation of the policy or measures of the Government with a view to obtain their alteration by lawful means shall not be deemed to be acts which are intended or are likely to endanger the safety or stability of the State.

- (ii) An illegal strike or an illegal lock-out, as defined in section 24 of the Industrial Disputes Act, 1947, shall not be deemed to be an act in furtherance of an industrial dispute for the purposes of sub-clause (e).

- (iii) The illegal acquisition, storage or movement of an essential commodity shall be deemed to be an act which is intended and is likely to impede, delay and restrict the operation necessary for the procurement, supply and distribution of such commodity for the purposes of sub-clause (e).

3. The provisions of this Act and of any orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law.

1 * * * * *

Effect of the provisions of the Act when inconsistent with other law.

4. No prohibition, restriction or disability imposed by or under this Act, unless otherwise expressly provided by an order made by the State Government or by an officer specially authorised by the State Government in this behalf, shall apply to anything done by, or under the direction of, any public servant acting in the course of his duty as such public servant.

Saving.

5. If any person to whom any provision of this Act relates or to whom any order made in pursuance of any such provision is addressed or relates or who is in occupation, possession or control of any land, building, vehicle, vessel or other thing to which such provision relates, or in respect of which such order is made—

- (a) fails without lawful authority or excuse, himself, or in respect of any land, building, vehicle, vessel or other thing of which he is in occupation, possession or control, to comply with such provision or order,

Non-compliance with the provisions of the Act or any orders made thereunder.

¹The proviso to sec. 3 was omitted by sec. 4 of the West Bengal Security (Amendment) Act, 1955 (West Ben. Act XXXIV of 1955).

[West Ben. Act

(Chapter II.—Access to certain places and areas.—Section 6.)

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he shall be deemed to have contravened such provision or order.

CHAPTER II.

ACCESS TO CERTAIN PLACES AND AREAS.

Protected
places.

6. (1) If as respects any place or class of places the State Government considers it necessary or expedient ²[in the public interest or in the interest of the safety and security of such place or class of places] that special precautions should be taken to prevent the entry of unauthorised persons, the State Government may by order declare that place, or, as the case may be, every place of that class to be a protected place; and thereupon, for so long as the order is in force, such place or every place of such class, as the case may be, shall be a protected place for the purposes of this Act.

³(2) No person shall, without the permission of the State Government or of any person in authority connected with the protected place duly authorised by the State Government in this behalf or of the District Magistrate or of the Subdivisional Magistrate having jurisdiction, enter, or be on or in or pass over, any protected place and no person shall loiter in the vicinity of any such place.

(3) Where in pursuance of sub-section (2) any person is granted permission to enter, or to be on or in, or to pass over, a protected place, that person shall, while acting under such permission, comply with such orders for regulating his conduct as may be given by ⁴[the authority which granted the permission].

(4) Any police officer, or any other person authorised in this behalf by the State Government, may search any person entering, or seeking to enter, or being on or in, or leaving, a protected place and any vehicle, vessel, animal or article brought in by such person, and may, for the purpose of the search, detain such person, vehicle, vessel, animal or article :

Provided that no woman shall be searched in pursuance of this sub-section except by a woman.

¹The words "or

(b) evades, or attempts to evade, by any means such provision, or order," were omitted by sec. 5 of of the West Bengal Security (Amendment) Act, 1955 (West Ben. Act XXXIV of 1955).

²These words were inserted by sec. 6(1), *ibid.*

³This sub-section (2) was substituted for the original sub-section (2) by sec. 6(2), *ibid.*

⁴These words were substituted for the words "the State Government, or the authority or the person referred to in sub-section (2), as the case may be" by sec. 6(3), *ibid.*

XIX of 1950.]

(Chapter II.—Access to certain places and areas.—Section 7.)

¹(5) If any person contravenes any provision of this section, then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by any police officer or by any other person authorised in this behalf by the State Government.

(6) If any person ²[contravenes] any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

7. (1) If the State Government considers it necessary or expedient ³[in the public interest or in the interest of the safety and security of any area to regulate the entry of persons into that area], the State Government may without prejudice to any other provisions of this Act, by order declare the area to be a protected area ; and thereupon, for so long as the order is in force, such area shall be a protected area for the purposes of this Act.

Protected
areas.

(2) On and after such day as may be specified in, and subject to any exemptions for which provision may be made by, an order made under sub-section (1), no person who was not ⁴[immediately before] the said day resident in the area declared to be a protected area by the said order shall be therein except in accordance with the terms of a permit in writing granted to him by an authority or person specified in the said order.

(3) Any police officer, or any other person authorised in this behalf by the State Government, may search any person entering or seeking to enter, or being on or in, or leaving, a protected area, and any vehicle, vessel, animal⁵ or article brought in by such person, and may, for the purpose of the search, detain such person, vehicle, vessel, animal or article :

Provided ⁶that no woman shall be searched in pursuance of this sub-section except by a woman.

(4) If any person is in a protected area in contravention of the provisions of this section, then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by or under the direction of any police officer on duty in the protected area or by any other person authorised in this behalf by the State Government.

(5) If any person is in a protected area in contravention of any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

¹This sub-section (5) was substituted for the original sub-section (5) by sec. 6(4) of the West Bengal Security (Amendment) Act, 1955 (West Ben. Act XXXIV of 1955).

²This word was substituted for the words "is in a protected place in contravention of" by sec. 6(5), *ibid.*

³These words were substituted for the words "to regulate the entry of persons into any area" by sec. 7(1), *ibid.*

⁴These words were substituted for the words "at the beginning of" by sec. 7(2), *ibid.*

[West Ben. Act

(Chapter II.—Access to certain places and areas.—Sections 8, 9.—
Chapter III.—Prevention of subversive acts.—Section 10.)

Forcing or
evading a
guard.

8. Any person who effects or attempts to effect entry into a protected place or protected area—

(a) by using, or threatening to use, criminal force to any person posted for the purpose of protecting, or preventing or controlling access to, such place or area, or

(b) after taking precautions to conceal his entry or attempted entry from any such person,

shall be punishable with imprisonment for a term which may extend to five years or with fine or with both.

9. [Orders for certain places and areas.]—[Omitted by sec. 8 of the West Bengal Security (Amendment) Act, 1955. (West Ben. Act XXXIV of 1955).]

CHAPTER III.

PREVENTION OF SUBVERSIVE ACTS.

Sabotage.

10. (1) No person shall do any act with intent to ¹[injuriously affect, whether by impairing the efficiency or impeding the working of anything or in any other manner whatsoever,] or to cause damage to,—

(a) any building, vehicle, machinery, apparatus or other property used or intended to be used, for the purpose of Government or any local authority ;

(b) any railway (as defined in the Indian Railways Act, 1890), aerial ropeway (as defined in the Bengal Aerial Ropeways Act, 1923), tramway, road, canal, canal embankments, protective bunds, sluice-gates, lockgates, bridge, culvert, cause-way, port, dockyard, lighthouse, aerodrome (as defined in the Indian Aircraft Act, 1934), airfield, air-strip or any installation thereon or any telegraph line or post (as defined in the Indian Telegraph Act, 1885) ;

IX of 1890.

Ben. Act
VII of
1923.

XXII of
1934.

XIII of
1885.

(c) any rolling stock of a railway or tramway or any vessel or aircraft ;

(d) any building or other property used in connection with the production, distribution or supply of any essential commodity, any sewage works, mine or factory ;

(e) any prohibited place as defined in sub-section (8) of section 2 of the Indian Official Secrets Act, 1923.

XIX of
1923.

¹These words were substituted for the words "impair the efficiency or impede the working of," by sec. 9(1) of the West Bengal Security (Amendment) Act, 1955 (West Ben. Act XXXIV of 1955).

XIX of 1950.]

(Chapter III.—Prevention of subversive acts.—Sections 11—13.—
Chapter IV.—Public safety and order.—Sections 14, 15.)

(2) The provisions of sub-section (1) shall apply in relation to any omission on the part of a person to do anything which he is under a duty ¹[imposed on him by any law or an order of any competent authority] to do, as they apply to the doing of any act by a person.

(2) If any person contravenes any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to seven years or with fine or with both.

*11. If any person commits any subversive act he shall be punishable with imprisonment for a term which may extend to five years or with fine or with both.

Penalty for subversive acts

12. [Proscription, etc., of certain documents.]—[Omitted by sec. 11 of the West Bengal Security (Amendment) Act, 1955 (West Ben. Act XXXIV of 1955).]

13. [Power to impose censorship.]—[Omitted by sec. 11 of the West Bengal Security (Amendment) Act, 1955 (West Bengal Act XXXIV of 1955).]

CHAPTER IV.

PUBLIC SAFETY AND ORDER.

14. Any person who carries on his person or knowingly has in his possession or under his control any corrosive substance ** *, under such circumstances as to give rise to a reasonable suspicion that he does not carry it on his person or have it in his possession or under his control for a lawful object, shall, unless he can show that he was carrying it on his person or that he had it in his possession or under his control for a lawful object, be punishable with imprisonment for a term which may extend to seven years, to which fine may be added.

Punishment for carrying or possessing any corrosive substance.

15. Whoever commits dacoity, robbery, theft, or theft in a building, vessel or vehicle or criminal misappropriation, if the commission of such offence takes place,—

Definition of looting.

(a) during a riot or any disturbance of the public peace at or in the neighbourhood of the riot, or the place at which such disturbance of the public peace occurs, or

¹These words were substituted for the words "either to the State Government or to any public authority or to any person," by sec. 9(2) of the West Bengal Security (Amendment) Act, 1955 (West Ben. Act XXXIV of 1955).

*This section 11 was substituted for the original section 11 by sec. 10, *ibid.*

*The words "or liquid" were omitted by sec. 12, *ibid.*

[West Ben. Act

(Chapter IV.—Public safety and order.—Sections 16—19.)

- (b) in any area in which a riot or disturbance of the public peace has occurred and before law and order has been completely restored in such area, or
- (c) in circumstances such that a person whose property is stolen or criminally misappropriated is not, as a consequence of rioting or any other disturbance of the public peace, present or able to protect such property,

is said to commit the offence of looting.

Use of
force to
stop
looting.

16. Any police officer may use such force as may be necessary even to the causing of death in order to stop the commission of the offence of looting within his view.

Curfew.

17. (1) ¹[For the maintenance of public order or on grounds of public security or for the prevention of smuggling, the Commissioner] of Police in Calcutta and the District Magistrate elsewhere may, subject to the control of the State Government, by order direct that, subject to any exemption specified in the order, no person present within any area or areas specified in the order shall, between such hours as may be specified in the order, be out of doors except under the authority of a written permit granted by a specified authority or person.

(2) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

(5) In this section "Calcutta" means the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866, together with the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866.

Ben. Act
IV of 1866.

Ben. Act
II of 1866.

Amend-
ment of
sections
127 and
128 of the
Code of
Criminal
Procedure,
1898.

18. In sections 127 and 128 of the Code of Criminal Procedure, 1898, for the words "or officer in charge of a police-station" the words "or any police officer of or above the rank of a head constable" shall be substituted.

Act V of
1899.

Control of
processions,
meetings,
etc.

19. (1) The State Government* may, by general or special order, prohibit, restrict or impose conditions upon, the holding of or taking part in processions, meetings or assemblies which, in its opinion, are likely to disturb ²[communal harmony or public order or tranquility].

¹These words were substituted for the words "The Commissioner" by sec. 18 of the West Bengal Security (Amendment) Act, 1955 (West Ben. Act XXXIV of 1955).

²These words were substituted for the words "the communal peace or to endanger the safety or stability of the State" by sec. 14, *ibid*.

XIX of 1950.]

(Chapter IV.—Public safety and order.—Sections 20, 21.)

(2) Any police officer may take such steps, and use such force, as may be reasonably necessary for securing compliance with any order made under this section.

(3) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

20. (1) If, in the opinion of the State Government, it is necessary or expedient so to do for preventing or suppressing subversive acts or for maintaining supplies and services essential to the life of the community, it may, by general or special order, prohibit or restrict the movement of any commodity, article or thing (including any vessel, vehicle, aircraft or animal) either generally or between any particular places or on any particular route.

Control of movements of commodities, articles or things.

(2) Every order made under sub-section (1) shall remain in force for such period not exceeding three months at any one time as may be specified in the order.

(3) If any person contravenes any order made under sub-section (1), he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both and the Court trying the offence shall order that the commodity, article or thing (including any vessel, vehicle, aircraft or animal) in respect of which the offence has been committed shall be forfeited to the State.

21. (1) The State Government, if satisfied with respect to any particular person that he is doing or is about to do or is likely to do any subversive act, may, with a view to preventing him from doing such act, make an order—

Power to make orders restricting the movements or actions of certain persons.

(a) directing that, except in so far as he may be permitted by the provisions of the order, or by such authority or person as may be specified therein, he shall not be in any such area or place in West Bengal as may be specified in the order ;

(b) requiring him to reside or remain in such place or within such area in West Bengal as may be specified in the order and if he is not already there to proceed to that place or area within such time as may be specified in the order ;

(c) requiring him to notify his movements or to report himself or both to notify his movements and report himself in such manner, at such times and to such authority or person as may be specified in the order ;

[West Ben. Act**(Chapter IV.—Public safety and order.—Section 21A.)**

(d) imposing upon him such restrictions as may be specified in the order in respect of his ^{1*} * * movements, in respect of his association or communication with other persons, and in respect of his activities in relation to the dissemination of news or propagation of opinions.

(2) An order made under sub-section (1) shall be served on the person in respect of whom it is made in the manner provided in the Code of Criminal Procedure 1898, for service of a summons, and upon such service such person shall be deemed to have had due notice thereof.

Act V
of 1898.

(3) If any person is in any area or place in contravention of an order made under the provision of this section, or fails to leave any area or place in accordance with the requirements of such an order then, without prejudice to the provisions of sub-section (4), he may be removed from such area or place by any police officer or by any person acting on behalf of the State Government.

(4) If any person contravenes any order made under this section he shall be punishable with imprisonment for a term which may extend to three years, or with fine or with both.

Advisory
Board.

²21A. ³(1) The State Government shall specify in every order made under sub-section (1) of section 21, the grounds for the order: and the person in respect of whom the order has been made shall be entitled to send a representation to the State Government against the order so as to reach the State Government within twenty-one days of the date of the service of the order.

²(2) The State Government shall, within seven days from the date of the receipt of the representation referred to in sub-section (1), or where no such representation is received within the period, referred to in that sub-section, within twenty-eight days from the date of the service of the order, place before an Advisory Board constituted under sub-section (6), the grounds for the order and the representation, if any, received within the period referred to in sub-section (1).

²(3) The Advisory Board shall, after considering the grounds and the representation, if any, placed before it under sub-section (2), and after calling for and considering such further information, if any, as it may deem necessary in the interest of justice, from the State Government or from the person in respect of whom the order has been made, report to the State Government within one month and a half from the date of the service of the order, whether or not in its opinion there is sufficient cause for the order.

¹The words "employment, business or" were omitted by sec. 15 of the West Bengal Security (Amendment) Act, 1955 (West Ben. Act XXXIV of 1955).

²This section 21A was inserted by sec. 4(1) of the West Bengal Security (Amendment) Act, 1951 (West Ben. Act XXXII of 1951).

³These sub-sections (1), (2) and (3) were substituted for the original sub-sections (1), (2) and (3) by sec. 4(a) of the West Bengal Security (Amendment) Act, 1958 (West Ben. Act V of 1958).

XIX of 1950.]

(Chapter IV.—Public safety and order.—Section 21B.)

(4) If the Advisory Board is of opinion that sufficient cause does not exist for the order, the State Government shall forthwith cancel the order.

(5) If the Advisory Board is of opinion that there is sufficient cause for the order, the order shall continue for a period of six months ¹[from the date of the service of the order, but the State Government may at any time before the expiry of such period of six months, cancel the order].

(6) The State Government shall, for the purpose of this section, constitute one or more Advisory Boards; every such Advisory Board shall consist of three members appointed by the State Government, two of whom shall be persons who are or have been or are qualified to be appointed as judges of a High Court.

(7) Where there is a difference of opinion among the members of an Advisory Board, the opinion of the majority of such members shall be deemed to be the opinion of the Board.

²21B. (1) The Commissioner of Police in Calcutta and the District Magistrate elsewhere may, ³[if so required by the State Government], direct a person in respect of whom an order under clause (a) of sub-section (1) of section 21 has been made that such person shall—

Power of photo-graphing, etc., persons in respect of whom order has been made under section 21(1)(a).

(a) permit himself to be photographed ;

(b) allow his finger and thumb impressions to be taken ;

(c) furnish specimens of his handwriting and signature ; and

(d) attend at such times and places as may be necessary for all or any of the foregoing purposes

and such person shall comply with such direction.

Explanation.—In this sub-section “Calcutta” has the same meaning as in section 17.

¹These words were substituted for the words “from the date of the order, unless cancelled earlier” by sec 4(b) of the West Bengal Security (Amendment) Act, 1953 (West Ben. Act V of 1953).

²This section 21B was originally inserted as section 21A by sec. 4 of the West Bengal Security (Amendment) Act, 1950 (West Ben. Act XLVI of 1950), and thereafter it was renumbered as section 21B by sec. 4(1) of the West Bengal Security (Amendment) Act, 1951 (West Ben. Act XXXII of 1951).

³These words were substituted for the words “subject to the control of the State Government” by sec. 4(2) of the West Bengal Security (Amendment) Act, 1951 (West Ben. Act XXXII of 1951),

[West Ben. Act

(Chapter IV.—Public safety and order.—Sections 22—24.)

(2) If any person fails to comply with or attempts to avoid direction given under sub-section (1) he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

22. [Duration of orders made under section 21(1).]—[Omitted by sec. 5 of the West Bengal Security (Amendment) Act, 1951 (West Ben. Act XXXII of 1951).]

Control of
use of
loud-
speakers,
mega-
phones,
etc.

23. (1) The State Government may, for the purposes of preventing or suppressing subversive acts, by general or special order, prohibit, restrict, regulate or impose conditions on—

(i) the use or operation in any street, square, public place or other open space of any apparatus for amplifying the human voice, or any reproduction of the human voice, such as a megaphone, or an electrically operated loud-speaker ; and

(ii) the use, operation or driving in any street, square, public place or other open space of any vehicle which carries or has attached to it any apparatus referred to in clause (i).

(2) Any police officer may take such steps and use such force as may be reasonably necessary for securing compliance with any order made under this section and may seize any apparatus or vehicle in respect of which any contravention of any such order has in the opinion of such officer occurred :

Provided that any vehicle or apparatus seized by a police officer under this sub-section shall be conveyed without delay before a Magistrate who may give such directions as to its temporary custody as he thinks fit, but if no prosecution is instituted for a contravention of the order in respect of the vehicle or apparatus seized within a period which is in the opinion of the Magistrate reasonable, he shall direct its return to the person from whom it was seized.

(3) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both, and any Court trying such contravention may direct that any apparatus or vehicle in respect of which the Court is satisfied that the order has been contravened shall be forfeited to the State.

Unlawful
drilling.

24. (1) The State Government may, by general or special order, prohibit or restrict in any area such exercise, movement, evolution or drill of a military nature as may be specified in the order.

¹Sub-section (2) was omitted by sec. 16 of the West Bengal Security (Amendment) Act, 1955 (West Ben. Act XXXIV of 1955).

XIX of 1950.]

(Chapter IV.—Public safety and order.—Sections 25, 26.—Chapter V.—Miscellaneous Provisions.—Section 27.)

(3) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to five years or with fine or with both.

25. (1) If the State Government is satisfied that the wearing in public of any dress or article of apparel resembling any uniform or part of a uniform required to be worn by a member of the Union Forces or by a member of any ¹[Police Force] or of any force constituted under any law for the time being in force would be likely to prejudice the public safety, or the maintenance of public order, the State Government may, by general or special order, prohibit or restrict the wearing or display in public of any such dress or article of apparel.

Unofficial uniforms, etc.

(2) For the purposes of this section, a dress or an article of apparel shall be deemed to be worn or displayed in public if it is worn or displayed so as to be visible to a person in any place to which the public have access.

(3) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

26. *[Powers to require the assistance of certain persons.]—[Omitted by sec. 18 of the West Bengal Security (Amendment) Act, 1955 (West Ben. Act XXXIV of 1955).]*

CHAPTER V.

MISCELLANEOUS PROVISIONS.

27. (1) Without prejudice to any special provisions contained in this Act, the State Government may by order require any person to furnish or produce to any specified authority or person any such information or article in his possession as may be specified in the order, being information, or an article which the State Government considers it necessary or expedient in the interest of the prevention or suppression of subversive acts to obtain or examine :

Power to obtain information.

Provided that—

(i) no editor, printer or publisher of a newspaper shall be required to furnish or produce any such information or article in respect of any matter published in such newspaper, and

¹These words were substituted for the words "official Police Force" by sec. 17 of the West Bengal Security (Amendment) Act, 1955 (West Ben. Act XXXIV of 1955).

[West Ben. Act

(Chapter V.—Miscellaneous Provisions.—Sections 28, 29.)

(ii) no person shall be required to furnish or produce any information or article which, under the provisions of the Indian Evidence Act, 1872, he cannot be compelled to furnish or produce.

I of 1872.

¹(1A) No information furnished in pursuance of an order of the State Government under sub-section (1) shall be used in any prosecution against the person by whom the information has been furnished.

(2) If any person fails to furnish or produce any information or article in compliance with an order made under sub-section (1), he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

False statement.

28. If any person, when required by or under any of the provisions of this Act to make any statement or furnish any information, makes any statement or furnishes any information which he knows or has reasonable cause to believe to be false, or not true in any material particular, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Requisitioning of property.

29. (1) If in the opinion of the State Government it is necessary or expedient so to do for preventing or suppressing subversive acts or for maintaining supplies and services essential to the life of the community or for rehabilitating persons displaced from their residences or shops due to communal strife, it may by order in writing requisition any property, moveable or immovable, and may make such further orders as appear to it to be necessary or expedient in connection with the requisitioning :

Provided that no place or premises used for the purpose of religious worship shall be requisitioned under this section.

(2) The State Government may use or deal with any property requisitioned under sub-section (1) in such manner as may appear to it to be expedient.

(3) The State Government shall pay compensation for any property requisitioned by it under sub-section (1), and the principles according to which and the manner in which such compensation is to be determined and given shall be as follows :—

(a) where the amount of compensation can be fixed by agreement, it shall be paid within three months in accordance with such agreement ;

¹Sub-section (1A) was inserted by sec. 19 of the West Bengal Security (Amendment) Act, 1955 (West Ben. Act XXXIV of 1955).

XIX of 1950.]

(Chapter V.—Miscellaneous Provisions.—Section 29.)

- (b) where no such agreement can be reached, the amount of compensation shall be such as an arbitrator appointed in this behalf by the State Government may award :

Provided that in the case of immoveable property, the arbitrator shall be District Judge or an Additional District Judge ;

- (c) in awarding the amount of compensation, the arbitrator shall have regard to the pecuniary loss attributable to the requisition and to any other circumstances which he considers to be just and proper ;

- (d) in the case of immoveable property, the State Government may, in any particular case, nominate a person having expert knowledge as to the nature of the property requisitioned to assist the arbitrator and where such nomination is made, the person to be compensated may also nominate another person for the said purpose ;

- (e) an appeal shall lie to the High Court against an award of the arbitrator except in cases where the amount of compensation awarded does not exceed five thousand rupees in lump or in the case of an amount payable periodically, two hundred and fifty rupees *per mensem* ;

- (f) in the case of moveable property where immediately before the requisition, the property was by virtue of a hire purchase agreement in the possession of a person other than the owner, the total compensation payable in respect of the requisition shall be apportioned between that person and the owner and in default of agreement, in such manner as the arbitrator referred to in clause (b) may decide to be just and proper ;

- (g) the amount awarded as compensation by the arbitrator or ordered to be paid by the High Court on appeal in cases coming under clause (e) shall be paid within three months of the date of the award or order made by the arbitrator or the High Court ;

- (h) save as provided in this sub-section and in any rules made under section 39, nothing in any other law for the time being in force shall apply to an arbitration under this sub-section.

(4) Where any immoveable property requisitioned under sub-section (1) is to be released from requisition, the State Government may, after making such enquiry, if any, as it

[West Ben. Act

(Chapter V.—Miscellaneous Provisions.—Section 29.)

considers necessary, specify by order in writing the person who appears to the State Government to be entitled to the possession of such property.

(5) The delivery of possession of the immoveable property requisitioned under sub-section (1) to the person specified in an order made under sub-section (4) shall be a full discharge of the State Government from all liability in respect of such delivery, but shall not prejudice any rights in respect of such property which any other person may be entitled by due process of law to enforce against the person to whom possession of such property is so delivered.

(6) Where the person to whom possession of any immoveable property requisitioned under sub-section (1) is to be given cannot be found or is not readily ascertainable or has no agent or other person empowered to accept delivery on his behalf, the State Government shall cause a notice declaring that such property is released from requisition to be affixed on some conspicuous part of such property and publish the notice in the *Official Gazette*.

(7) When a notice referred to in sub-section (6) is published in the *Official Gazette*, the immoveable property specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof; and the State Government shall not be liable for any compensation or other claim in respect of such property for any period after the said date.

--- (8) Where any immoveable property requisitioned under sub-section (1) is released from requisition, compensation shall also be paid in respect of any damage done during the period of requisition to such property other than what may have been sustained by normal wear and tear or by natural causes. When the amount of such compensation can be fixed by agreement, it shall be paid in accordance with such agreement; where no such agreement can be reached, the matter shall be referred to an arbitrator and thereupon the provisions of sub-section (3) which are applicable to immoveable property shall, as far as may be, apply.

(9) The State Government may, with a view to requisitioning any property under sub-section (1), by order—

- (a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the property as may be so specified;
- (b) direct that the owner, occupier or person in possession of the property shall not without the permission of the State Government dispose of it or where the property is a building, structurally alter it or where the property is moveable, remove it from the premises in which it is kept till the expiry of such reasonable period as may be specified in the order.

XIX of 1950.]

(Chapter V.—Miscellaneous Provisions.—Section 30.)

(10) Without prejudice to any powers otherwise conferred by this Act any person authorised in this behalf by the State Government may enter any premises between sunrise and sunset and inspect such premises and any property therein or thereon for the purpose of determining whether, and, if so, in what manner, an order under this section should be made in relation to such premises or property, or with a view to securing compliance with any order made under this section.

(11) (a) The State Government may, at any time by order in writing, require the owner of any immoveable property requisitioned under sub-section (1) to execute such repairs therein as it deems necessary and within such time as it may specify in the order.

(b) If the owner fails to execute or complete such repairs within the time specified, the State Government may cause such repairs to be executed or completed and the cost thereof shall be recoverable from the owner as if it were an arrear of land revenue.

(c) The State Government may, without prejudice to any other mode of recovery, deduct the cost referred to in clause (b) or any part thereof from the compensation payable to the owner under sub-section (3).

(12) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years, or with fine or with both.

30. (1) Save as otherwise expressly provided in this Act, every authority, officer or person who makes any order in writing in pursuance of any provision thereof shall publish or serve or cause to be served notice of such order in such manner as may be provided in rules prescribed in this behalf.

(2) Where this Act empowers an authority, officer or person to take action by notified order, the provisions of sub-section (1) shall not apply in relation to such order.

(3) If in the course of any judicial proceedings, a question arises whether a person was duly informed of an order made in pursuance of any provision of this Act, compliance with sub-section (1), or in a case to which sub-section (2) applies, the notification of the order, shall be conclusive proof that he was so informed, but a failure to comply with sub-section (1)—

(i) shall not preclude proof by other means that he had information of the order ; and

(ii) shall not affect the validity of the order.

1*

*Sub-sections (4) and (5) were omitted by sec. 20 of the West Bengal Security (Amendment) Act, 1955 (West Ben. Act XXXIV of 1955).

[West Ben. Act

(Chapter VI.—Supplementary and Procedural.—Sections 31, 32.)

CHAPTER VI.

SUPPLEMENTARY AND PROCEDURAL.

Attempts,
etc., to
contra-
vene the
provisions
of the Act.

31. Any person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to, a contravention of, any of the provisions of this Act or of any order made thereunder, shall be deemed to have contravened that provision or, as the case may be, that order.

Special
provision
for
searches.

32. (1) In any area in which the State Government, as a consequence of apprehended danger to the public in such area, notifies in the *Official Gazette* in this behalf, any police officer may in any road, street, alley, public place, or open space, stop and search any person in such area for the purpose of ascertaining whether such person is carrying, in contravention of any law for the time being in force, any explosive or corrosive substance or liquid or any weapon of offence or any article which may be used as a weapon of offence and may seize any such substance or liquid together with its container, if any, or any such weapon or article discovered during such search :

Provided that every such search shall be made with due regard to decency and that no woman shall be searched except by a woman.

(2) Any police officer authorised in this behalf by general or special order of a Deputy Commissioner of Police in Calcutta and the Superintendent of Police elsewhere, may enter and search any place, vessel, vehicle, aircraft or animal and, for that purpose, stop any vessel, vehicle, aircraft or animal and may seize any commodity, article or thing (including any vessel, vehicle, aircraft or animal) which, he has reason to believe, has been, is being or is about to be, used in contravening any order made under sub-section (1) of section 20 or for doing any subversive act.

Explanation.—In this sub-section “Calcutta” has the same meaning as in section 17.

(3) Anything seized under sub-section (1) shall be conveyed, and any commodity, article or thing (including any vessel, vehicle, aircraft or animal) seized under sub-section (2) shall be reported, without delay before a Magistrate who may give such directions as to the temporary custody thereof as he may think fit, so, however, that where no prosecution in respect thereof is instituted within a period in his opinion reasonable, the Magistrate may, subject to the provisions of any other law for the time being in force, give such orders as to the final disposal thereof as he deems expedient.

XLX of 1950.]

(Chapter VI.—Supplementary and Procedural.—Sections 33—37.)

33. Any police officer may arrest without warrant any person who is reasonably suspected of having committed, or of committing a contravention of any order made under section 17.

General power of arrest without warrant.

34. (1) No Court shall take cognizance of any alleged contravention of the provisions of this Act or of any order made thereunder, except on a report in writing of the facts constituting such contravention, made by a public servant.

Cognizance of contraventions of the provisions of the Act or orders made thereunder.

(2) Proceedings in respect of a contravention of the provisions of this Act alleged to have been committed by any person may be taken before the appropriate Court having jurisdiction in the place where that person is for the time being.

Act V of 1898.

(3) Notwithstanding anything contained in Schedule II to the Code of Criminal Procedure, 1898, a contravention of the provisions of section 10 shall be triable by a Court of Session, a Presidency Magistrate or a Magistrate of the first class.

(4) Any Magistrate or bench of Magistrates empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898, may, if such Magistrate or bench of Magistrates thinks fit, on application in this behalf being made by the prosecution, try a contravention of any such provisions of this Act or orders made thereunder as the State Government may, by notified order, specify in this behalf in accordance with the provisions contained in sections 262 to 265 of the said Code.

35. [Power to give effect to orders, etc.].—[Omitted by *sec. 21 of the West Bengal Security (Amendment) Act, 1955 (West Ben. Act XXXIV of 1955).*]

36. (1) No order made in exercise of any power conferred by or under this Act shall be called in question in any ¹[civil or criminal court].

Saving as to orders.

Act of 1872.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act, a Court shall, within the meaning of the Indian Evidence Act, 1872, presume that such order was so made by that authority.

37. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is or is deemed to have been in good faith done or intended to be done in pursuance of this Act or any order made or deemed to have been made thereunder.

Protection of action taken under the Act.

¹These words were substituted for the word "Court" by sec. 22 of the West Bengal Security (Amendment) Act, 1955 (West Ben. Act XXXIV of 1955).

[West Ben. Act

(Chapter VI.—Supplementary and Procedural.—Sections 38—40.)

(2) No suit or other legal proceeding shall lie against Government for any damage caused or likely to be caused by anything which is or is deemed to have been in good faith done or intended to be done in pursuance of this Act or any order made or deemed to have been made thereunder.

Delegation
of powers
and duties
of the
State
Govern-
ment.

¹38. The State Government may, by notified order, direct that any power or duty which is conferred or imposed by any provision of this Act upon the State Government shall, in such circumstances and under such conditions, if any, as may be specified in the direction be exercised or discharged in Calcutta, also by the Commissioner of Police, the First Land Acquisition Collector or the Second Land Acquisition Collector, and elsewhere, also by the District Magistrate, an Additional District Magistrate or a Special Land Acquisition Officer.

Explanation.—In this section “Calcutta” has the same meaning as in section 17.

Power to
make rules.

39. (1) The State Government may make ²rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

* * * * *

(b) the procedure to be followed in arbitrations and the principles to be followed in apportioning the costs of proceedings before the arbitrator and on appeal referred to in section 29 ;

→ (c) the manner of publication and service of notices referred to in sub-section (1) of section 30.

Savings
and valida-
tion.

40. Any rule or order made or deemed to have been made, any notification issued or deemed to have been issued, or any direction given or deemed to have been given under any provision of the West Bengal Security Ordinance, 1949, and in force immediately before the commencement of this Act shall on such commencement continue in force and so far as may be, be deemed to be a rule or order made, notification issued or direction given under the corresponding provision of this Act.

West Ben.
Ord. II of
1949.

¹This section was substituted for the original section by sec. 5 of the West Bengal Security (Amendment) Act, 1950 (West Ben. Act XLVI of 1950).

²For rules made in exercise of the power conferred by this section with regard to arbitration for settlement of compensation payable under section 29 of the Act, see the Home (Political) Department notification No. 7984P/1R-28/50, dated the 21st December, 1950, published in the *Calcutta Gazette*, dated the 4th January, 1951, Part I, page 2, and for the rules relating to the publication and service of notices of orders referred to in sub-section (1) of section 30 of the Act, see the Home (Political) Department notification No. 10567-P/2A-32/55, dated the 30th December, 1955, published in the *Calcutta Gazette* of 1955, Part I, pages 2417-2420.

³Clause (a) was omitted by sec. 28 of the West Bengal Security (Amendment) Act, 1955 (West Ben. Act XXXIV of 1955).

XIX of 1950.]

(Chapter VI.—Supplementary and Procedural.—Section 41.)

And any liability or penalty incurred or deemed to have been incurred, any punishment awarded or deemed to have been awarded, any action taken or deemed to have been taken, any prosecution or any proceeding commenced or deemed to have been commenced under any provision of the said Ordinance shall be deemed to have been incurred or awarded, taken or commenced as if this Act were already in force when such liability or penalty was incurred or was deemed to have been incurred, or when such punishment was awarded or deemed to have been awarded or when such action was taken or was deemed to have been taken or when such prosecution or such proceeding was commenced or was deemed to have been commenced.

41. (1) No suit, prosecution or other legal proceeding shall lie against a person in the service of Government or any person acting under the direction or order of or in aid or assistance of any person in the service of Government for or on account of or in respect of any act, matter or thing whatsoever, which even though the West Bengal Security Act, 1948, was not in force, was purported to have been done in pursuance of or under the said Act at any time between the expiry of the said Act and the publication of the West Bengal Security Ordinance, 1949, in the *Official Gazette* or which even though the West Bengal Security Ordinance, 1949, was not in force, was purported to have been done in pursuance of or under the said Ordinance at any time between the ceasing to be in force of the said Ordinance and the publication of this Act in the *Official Gazette*.

Indemnity for acts, etc., done after the expiry of the West Bengal Security Act, 1948 or the West Bengal Security Ordinance, 1949.

West Ben.
Act III
of 1948.

West Ben.
Ord II
1949.

(2) No suit or other legal proceeding shall lie against Government for or on account of or in respect of any act, matter or thing whatsoever, which even though the West Bengal Security Act, 1948, was not in force, was purported to have been done in pursuance of or under the said Act at any time between the expiry of the said Act and the publication of the West Bengal Security Ordinance, 1949, in the *Official Gazette* or which even though the West Bengal Security Ordinance, 1949, was not in force, was purported to have been done in pursuance of or under the said Ordinance at any time between the ceasing to be in force of the said Ordinance and the publication of this Act in the *Official Gazette*.

(3) Sub-sections (1) and (2) shall have effect notwithstanding anything to the contrary in any other law for the time being in force.

West Bengal Act XX of 1950¹

THE WEST BENGAL APPROPRIATION ACT, 1950.

[31st March, 1950.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of West Bengal to the service of the year ending on the thirty first day of March, 1951.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of West Bengal to the service of the year ending on the thirty first day of March, 1951 ;

It is hereby enacted as follows :—

1. (1) This Act may be called the West Bengal Appropriation Act, 1950.

Short title
and com-
mencement.

(2) This Act shall come into force on the 1st day of April, 1950.

2. From and out of the Consolidated Fund of West Bengal there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Rupees fifty four crores thirty eight lakhs sixty six thousand and seven hundred towards defraying the several charges which will come in course of payment during the year ending on the thirty first day of March, 1951, in respect of the services specified in column 2 of the Schedule.

Issue of
Rs. 54,
88,66,700
out of the
Consolida-
ted Fund
of West
Bengal for
the year
1950-51.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty first day of March, 1951.

Appropriation.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 22nd March, 1950, Part IV, page 364 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the West Bengal Legislative Assembly held on the 23rd March, 1950.

(Schedule.)

SCHEDULE.

1	2	3		
		Sums not exceeding		
Grant No.	Services and purposes.	Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
1	4—Taxes on Income other than Corporation Tax.	8,81,000	...	8,81,000
2	7—Land Revenue ...	41,69,000	...	41,69,000
3	8—Provincial Excise ...	96,61,000	...	96,61,000
4	9—Stamps ...	5,98,000	...	5,98,000
5	10—Forest ...	49,02,000	...	49,02,000
6	11—Registration ...	15,83,000	...	15,83,000
7	12—Charges on account of Motor-Vehicles Acts.	...	4,50,000	4,50,000
8	13—Other Taxes and Duties ...	13,90,000	...	13,90,000
	C—Revenue Account of Irrigation, Navigation, Embankment and Drainage Works.			
9	17—Interest on works for which Capital Accounts are kept.	...	14,45,000	14,45,000
	XVII—Irrigation—Working expenses			
	18—Other Revenue expenditure financed from Ordinary Revenues.			
	18(1)—Other Revenue expenditure financed from Famine Insurance Fund.			
	CC—Capital Account of Irrigation, Navigation, Embankment and Drainage Works not charged to Revenue.			
10	68—Construction of Irrigation, Navigation, Embankment and Drainage Works.	7,69,17,000	16,72,000	7,85,89,000
	H—Civil Works and Miscellaneous Public Improvements.			
	51A—Interest on Capital Outlay on Multipurpose River Schemes.			
	HH—Capital Account of Civil Works and Miscellaneous Public Improvements outside the Revenue Account.			
	80A—Capital Outlay on Multipurpose River Schemes outside the Revenue Account.			

XX of 1950.]

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	E—Debt Services.			
11	22—Interest on Debt and other obligations	1,000	5,81,000	5,81,000
	F—Civil Administration.			
12	25—General Administration—General Administration.	2,80,80,000	7,70,000	2,88,00,000
13	25—General Administration—Debt Conciliation.	...	...	...
14	27—Administration of Justice ...	67,99,000	26,19,000	94,18,000
15	28—Jails and Convict Settlements	91,00,000	...	91,00,000
16	29—Police ...	4,82,76,000	...	4,82,76,000
17	30—Ports and Pilotage ...	8,75,000	...	8,75,000
18	36—Scientific Departments ...	4,81,000	...	4,81,000
19	37—Education ...	3,05,72,000	...	3,05,72,000
20	38—Medical ...	3,01,87,000	1,20,000	3,02,87,000
21	39—Public Health ...	77,85,000	...	77,85,000
	40—Agriculture ...			
22	71—Capital Outlay on Schemes of Agricultural Improvement and Research outside the Revenue Account.	2,61,58,000	...	2,61,58,000
23	41—Veterinary ...	14,95,000	...	14,95,000
24	42—Co-operation ...	17,81,000	...	17,81,000

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Ra.	Ra.	Ra.
25	48—Industries—Industries ...			
	H—Civil Works and Miscellaneous Public Improvements.			
	52A—Other Revenue Expenditure connected with Electricity Schemes.			
	XLI—Receipts from Electricity Schemes—Working expenses.			
	HH—Capital Account of Civil Works and Miscellaneous Public Improvements outside the Revenue Account.			
	53—Capital Outlay on Electricity Schemes met out of Revenue Account.	73,78,000	...	73,78,000
	FF—Civil Administration—Capital Accounts not charged to Revenue.			
	72—Capital Outlay on Industrial Development outside the Revenue Account.			
	81A—Capital Outlay on Electricity Schemes outside the Revenue Account.			
26	48—Industries—Fisheries ...	20,89,000	...	20,89,000
27	48—Industries—Cinchona ...	32,64,000	...	32,64,000
28	47—Miscellaneous Departments ...	22,77,000	...	22,77,000
	H—Civil Works and Miscellaneous Public Improvements.			
29	50—Civil Works ...			
	HH—Civil Works and Miscellaneous Public Improvements not charged to Revenue.	6,09,05,000	9,01,000	6,18,06,000
	81—Capital Account of Civil Works outside the Revenue Account.			

XX of 1950.]

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	J—Miscellaneous.			
30	54—Famine	27,47,000	...	27,47,000
31	55—Superannuation allowances and pensions.	1,02,05,000	2,14,000	1,04,19,000
	JJ—Miscellaneous—Capital Account charged to Revenue.			
	55A—Commutation of pensions financed from Ordinary Revenues.			
	JJ—Miscellaneous—Capital Account not charged to Revenue.			
	83—Payments of commuted value of pensions.			
	J—Miscellaneous.			
32	56—Stationery and Printing ...	37,84,700	...	37,84,700
	Deposits and Advances.			
	Depreciation Reserve Fund—Government Presses.			
	J—Miscellaneous.			
33	57—Miscellaneous—Miscellaneous	2,18,29,000	25,04,000	2,43,33,000
	82—Capital Account of other Provincial Works outside the Revenue Account.			

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	J—Miscellaneous.			
	57—Miscellaneous—Expenditure on refugees.			
	JJ—Miscellaneous Capital Account not charged to Revenue.			
34	82—Capital Account of other Provincial Works outside the Revenue Account—Expenditure on refugees.	4,99,16,000	...	4,99,16,000
	Deposits and Advances.			
	Loans and Advances bearing interest—Loans and Advances to refugees.			
	M—Extraordinary items.			
35	62—Extraordinary charges in India	3,83,17,000	...	3,83,17,000
36	63B—Expenditure on Post-War Development Schemes.	...	...	...
37	64C—Pro-partition Payments	61,00,000	...	61,00,000
	JJ—Miscellaneous—Capital Account not charged to Revenue.			
38	XLVIA—Receipts from Road Transport Scheme—Working expenses.	1,65,06,000	4,12,000	1,69,18,000
	82B—Capital Outlay on Road Transport Scheme outside the Revenue Account.			
39	85A—Capital Outlay on Provincial Schemes of State Trading.	1,59,63,000	...	1,59,63,000
	Deposits and Advances.			
40	Interest-free Advances	85,54,000	...	85,54,000
41	Loans and Advances bearing interest	78,24,000	...	78,24,000
	Grant Total	58,21,79,700	1,16,87,000	54,38,66,700

West Bengal Act XXII of 1950¹

THE WEST BENGAL ANIMAL SLAUGHTER CONTROL ACT, 1950.

[6th April, 1950.]

An Act to control the slaughter of certain animals.

WHEREAS it is expedient to control the slaughter of certain animals with a view to increase the supply of milk and to avoid the wastage of animal power necessary for improvement of agriculture ;

It is hereby enacted as follows :—

1. (1) This Act may be called the West Bengal Animal Slaughter Control Act, 1950.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date or dates as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different parts of West Bengal.

2. This Act applies to the animals specified in the Schedule.

Applica-
tion of Act.

3. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(i) “animal” means an animal to which this Act applies ;

(ii) “Calcutta” has the same meaning as in clause (11) of section 3 of the Calcutta Municipal Act, 1923^a ;

(iii) “President of a municipality” means any person presiding over the affairs of any municipal authority by whatever name he may be called, and includes any person nominated by him for the purposes of this Act :

(iv) “prescribed” means prescribed by rules made under this Act ;

(v) “Veterinary Assistant Surgeon” means,—

(a) in areas other than Calcutta, a Veterinary Assistant Surgeon, and

Ben. Act
III of
1923.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 21st January, 1950, Pt. IV, page 85 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the West Bengal Legislative Assembly, held on the 14th February, 1950.

^aThe Act came into force in Calcutta and several municipalities on the 15th March, 1952, vide notification No. Vety. 689, dated the 1st February, 1952, published in the *Calcutta Gazette, Extraordinary*, dated the 18th March, 1952, Part I, page 455. It also came into force in the Kalimpong Municipality, vide notification No. 7884 Vety., dated 5th August, 1953, published in the *Calcutta Gazette, Extraordinary*, 1953, Part I, page 965.

^aThe Calcutta Municipal Act, 1923 (Ben. Act III of 1923) was repealed and re-enacted by the Calcutta Municipal Act, 1951 (West Ben. Act XXIII of 1951).

[West Ben. Act

(Sections 4.)

(b) in Calcutta, a Veterinary Assistant Surgeon of the West Bengal Civil Veterinary Department acting within the local limits of his jurisdiction, and

(vi) "Veterinary Officer" means—

(a) in areas other than Calcutta, a District Veterinary Officer, and

(b) in Calcutta, a Superintendent of Veterinary Services (Headquarters) of the West Bengal Civil Veterinary Department acting within the local limits of his jurisdiction,

Prohibition of slaughter of animal without certificate.

4. (1) Notwithstanding anything in any other law for the time being in force or in any usage to the contrary, no person shall slaughter any animal unless he has obtained in respect thereof a certificate under sub-section (2) or sub-section (3) that the animal is fit for slaughter.

(2) The President of a municipality and the Veterinary Assistant Surgeon may issue a certificate under their joint signatures that an animal is fit for slaughter if they are both of opinion (which shall be recorded) that—

(a) the animal is over fourteen years of age and unfit for work or breeding, or

(b) the animal has become permanently incapacitated from work or breeding due to age, injury, deformity or any incurable disease.

(3) Where there is a difference of opinion between the President of a municipality and the Veterinary Assistant Surgeon as to the issue of a certificate under sub-section (2), the matter shall be referred to the Veterinary Officer and a certificate shall be issued or refused according as the Veterinary Officer is of opinion that the animal is fit to be slaughtered or is not so fit.

(4) Where under sub-section (3) a certificate is issued or refused, the order granting or refusing the issue of the certificate shall be signed by the Veterinary Officer.

(5) Any person aggrieved by the refusal to issue a certificate under this section may, within fifteen days from the date of communication to him of such refusal, appeal to the State Government against the order of refusal, and the State Government may pass such orders thereon as it thinks fit.

(6) The State Government may, at any time for the purpose of satisfying itself as to the legality or propriety of any action taken under this section, call for and examine the record of any case, and may pass such orders thereon as it thinks fit.

(7) Subject to the provisions of this section, any action taken under this section shall be final and shall not be called in question in any court.

XXII of 1950.]

(Sections 5—12.)

5. No animal in respect of which a certificate has been issued under section 4 shall be slaughtered in any place other than a place prescribed in this behalf.

Prohibition of slaughter of animals in places not prescribed for the purpose.

6. (1) For the purposes of enforcing the provisions of this Act, the President of a municipality or the Veterinary Assistant Surgeon or any person, authorised by the Veterinary Assistant Surgeon in writing in this behalf shall have power to enter and inspect any premises within the local limits of his jurisdiction where he has reason to believe that an offence under this Act has been or is likely to be committed.

Power to enter and inspect premises.

(2) Every person in occupation of any such premises as is specified in sub-section (1) shall allow the President of a municipality, the Veterinary Assistant Surgeon or the person authorised, as the case may be, such access to the premises as he may require for the aforesaid purpose, and shall answer any question put to him by the President of a Municipality, the Veterinary Assistant Surgeon or the person authorised, as the case may be, to the best of his knowledge or belief.

7. Whoever contravenes any of the provisions contained in this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalties.

8. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences under this Act shall be cognizable.

Offences to be cognizable.

Act V of 1898.

9. Whoever abets any offence punishable under this Act or attempts to commit any such offence shall be punished with the punishment provided in this Act for such offence.

Abetments and attempts.

10. All Presidents of municipalities, Veterinary Assistant Surgeons, Veterinary Officers and other persons exercising powers under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Officers exercising powers under this Act deemed to be public servants.

Act XLV of 1860.

11. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Protection of persons acting in good faith.

12. The State Government may, by general or special order and subject to such conditions as it may think fit to impose, exempt from the operation of this Act the slaughter of any animal for any religious, medicinal or research purposes.

Power to grant exemptions.

[West Ben. Act XXII of 1950.]

(Sections 13, 14 and the Schedule.)

Delegation
of func-
tions.

13. The State Government may, by notification in the *Official Gazette*,¹ delegate to any officer of State Government all or any of its powers or functions under sub-sections (5) and (6) of section 4, or section 12.

Power to
make rules.

14. (1) The State Government may, by notification in the *Official Gazette*, make² rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the form and manner in which applications for certificates under section 4 shall be made ;
- (b) the fees payable for any certificate which may be issued under section 4 and the form of such certificates ;
- (c) the places in which animals may be slaughtered in pursuance of this Act ;
- (d) the conditions subject to which the slaughter of any animal may be permitted under section 12.

The Schedule.

(See section 2.)

Bulls.

Bullocks.

Cows.

Calves.

Male and female buffaloes.

Buffalo calves.

Castrated buffaloes.

¹(1) For delegation of powers and functions under section 12 of the Act—

- (a) to certain officers in respect of certain areas, *see* notification No. 2151 Vety., dated 19.3.52, published in the *Calcutta Gazette*, of 1952, Part I, page 8869.
- (b) to the Sub-divisional Officer, Kalimpong, in respect of Kalimpong Municipality, *see* notification No. 8159 Vety., dated 11.8.53, published in the *Calcutta Gazette, Extraordinary* of 1953, Part I,
- (c) to the Superintendent of Veterinary Services, Eastern Range and the Assistant Professor of Comparative Anatomy, *see* notification No. 6709 Vety., dated 31.7.54, published in the *Calcutta Gazette, Extraordinary* of 1954, part I, pages 1075-1076, as subsequently amended from time to time.

(2) For delegation of powers and functions under sub-sections (5) and (6) of section 4 of the Act—

- (a) to the Joint Director of Veterinary Services, West Bengal, *see* notification No. 9437 Vety., dated 10.11.54, published in the *Calcutta Gazette* of 1954, Part I, page 3870.
- (b) to the Director of Veterinary Services and Animal Husbandry, West Bengal, *see* notification No. 1539 Vety., dated 10.2.59, published in the *Calcutta Gazette* of 1959, Part I, page 909.

²For the West Bengal Animal Slaughter Control Rules, 1950, *see* notification No. 8794 Vety., dated 2.11.51, published in the *Calcutta Gazette* of 1951, Part I, pages 8205-8210, as subsequently amended from time to time.

West Bengal Act XXIX of 1950¹

THE INDIAN REGISTRATION (WEST BENGAL AMENDMENT) ACT, 1950.

[20th April, 1950.]

An Act further to amend the Indian Registration Act, 1908 in its application to West Bengal.

XVI of
1908.

WHEREAS it is expedient further to amend the Indian Registration Act, 1908 in its application to West Bengal for the purpose and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Registration (West Bengal Amendment) Act, 1950.

Short title
and extent.

(2) It extends to the whole of West Bengal.

2. The Indian Registration Act, 1908 (hereinafter referred to as the said Act), shall, in its application to West Bengal, be further amended for the purpose and in the manner hereinafter provided.

Applica-
tion of Act.

3. After section 55 of the said Act the following new section shall be inserted, namely :—

Insertion
of new
tion
55A in
Act XVI
of 1908.

“55A. Notwithstanding anything contained in any other law for the time being in force, copies made by photography of any of the books mentioned in sub-section (1) of section 51, and of any of the indexes mentioned in section 55, relating to documents registered on or before the 14th day of August, 1947 in registration offices situate in districts or sub-districts which as a result of the award of the Boundary Commission appointed under section 3 of the Indian Independence Act, 1947 have fallen partly within West Bengal and partly within East Bengal, shall for the purposes of this Act be deemed to have taken the place of and to be the original books and indexes from which such copies were made and all references in this Act to books and indexes shall be construed as including references to such copies.”

Photographic copies
of books and indexes to
be as good as original
books and indexes in
certain cases.

10 & 11,
Geo. VI,
c. 80.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 25th January, 1950, Pt. IV, page 80 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the West Bengal Legislative Assembly, held on the 8th February, 1950.

West Bengal Act XXX of 1950¹

THE WEST BENGAL STATE LAWS (EXTENSION TO COOCH BEHAR) ACT, 1950.

[20th April, 1950.]

An Act to provide for the extension of certain laws to Cooch Behar.

WHEREAS it is expedient to provide for the extension of certain laws to the territories comprised in the merged State of Cooch Behar (in this Act referred to as Cooch Behar) ;

It is hereby enacted as follows :—

1. This Act may be called the West Bengal State Laws (Extension to Cooch Behar) Act, 1950. Short title.

2. (1) The Acts specified in the Schedule are hereby extended to, and shall be in force in, Cooch Behar. Extension of laws.

(2) All rules, orders, regulations, by-laws, delegations and appointments made, all notifications, directions and instructions issued, all forms prescribed and all schemes and instruments framed or executed under the Acts specified in the Schedule shall, as far as may be, apply to Cooch Behar.

3. If immediately before the commencement of this Act there is in force in Cooch Behar an Act, Ordinance, Regulation or other law corresponding to an Act specified in the Schedule, such corresponding law shall upon the commencement of this Act, stand repealed. Repeal of corresponding laws.

4. (1) The repeal by section 3 of any corresponding law in force in Cooch Behar immediately before the commencement of this Act shall not affect— Savings.

(a) the previous operation of any such law, or

(b) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law, or

(c) any investigation, legal proceeding or remedy in respect of any such penalty, forfeiture or punishment,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(2) Subject to the provisions of sub-section (1) anything done or any action taken including any rule, order, regulation, by-law, delegation or appointment made, any notification, direction or instruction issued, any form prescribed, any scheme or instrument framed or executed, any certificate, patent, permit or licence granted or registration effected, under

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 21st February, 1950, Pt. IV, page 227 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the West Bengal Legislative Assembly, held on the 28th February, 1950.

84 *The West Bengal State Laws (Extension to Cooch Behar) Act, 1950.*

[West Ben. Act XXX of 1950.]

(Sections 5, 6 and the Schedule.)

such corresponding law shall be deemed to have been done or taken under the corresponding provision of the Act as now extended to Cooch Behar, and shall continue in force accordingly unless and until superseded by anything done or any action taken under the said Act.

Powers of Courts and other authorities for purposes of facilitating application of laws.

5. For the purpose of facilitating the application of any Act specified in the Schedule any Court or other authority may construe such Act with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court or other authority.

Removal of difficulties.

6. If any difficulty arises in giving effect to any provisions of this Act or of any Act extended to Cooch Behar by this Act the State Government, as occasion may require, may by order do anything which appears to the State Government to be necessary for the purpose of removing the difficulty.

The Schedule.

[See section 2(1).]

Year.	Number.	Short title.
(1)	(2)	(3)
		<i>Acts.</i>
1919	IV	The Bengal Primary Education Act, 1919.
1930	VI	The Bengal Criminal Law Amendment Act, 1930.
1930	VII	The Bengal (Rural) Primary Education Act, 1930.
1940	XXI	The Bengal Co-operative Societies Act, 1940.
1948	XIII	The West Bengal Factories and Mines (Control of Dismantling) Act, 1948.
1948	XXXII	The West Bengal Black Marketing Act, 1948.

¹For notification under sec. 6 of the Act relating to application of the Bengal (Rural) Primary Education Act, 1930 (Ben. Act VII of 1930) with certain modifications to Cooch Behar in the matter of—

- (1) establishing a District School Board for the district of Cooch Behar, see notification No. 8467 Edn./9B-10/59, dated 4.8.59, published in the *Calcutta Gazette, Extraordinary*, of 1959, Part I, pages 1661-1662, as amended by notification No. 8439 Edn.(G)/9B-10/59, dated 29.8.60, published in the *Calcutta Gazette, Extraordinary* of 1960, Part I, page 2249.
- (2) levy and realisation of primary education cess in the district of Cooch Behar, see notification No. 8468 Edn./9B-10/59, dated 4.8.59, published in the *Calcutta Gazette, Extraordinary*, of 1959, Part I, pages 1662-1663.

West Bengal Act XXXVI of 1950¹

THE WEST BENGAL DRUGS (CONTROL) ACT, 1950.

[4th May, 1950.]

An Act provide for the control of the sale, supply and distribution of drugs.

WHEREAS it is expedient to provide for the control of the sale, supply and distribution of drugs ;

It is hereby enacted as follows :—

1. (1) This Act may be called the West Bengal Drugs (Control) Act, 1950.

(2) It extends to the whole of West Bengal.

(3) It shall be deemed to have come into force immediately on the West Bengal Drugs (Control) Ordinance, 1949, ceasing to operate.

Short title,
extent
and com-
mence-
ment.

2. (1) In this Act, unless there is anything repugnant in the subject or context.—

Interpreta-
tion.

(a) “dealer” means a person carrying on, either personally or through any other person, the business of selling any drugs, whether wholesale or retail ;

(d) “drug” means any drug, as defined in clause (b) of section 3 of the Drugs Act, 1940, in respect of which a declaration has been made under section 3 ;

(c) “offer for sale” includes a reference to an intimation by a person of the price proposed by him for a sale of any drug, made by the publication of a price list, by exposing the drug for sale in association with a mark indicating price, by the furnishing of a quotation or otherwise howsoever ;

(d) “producer” includes a manufacturer.

(2) A drug shall be deemed to be in the possession of a person—

(i) when it is held on behalf of that person by another person ;

(ii) notwithstanding that it is mortgaged to another person.

3. The State Government may, by ²notification in the *Official Gazette*, declare any drug to be a drug which this Act shall apply.

Drugs to
which this
Act
applies.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 18th March, 1950, Pt. IV, page 807 ; for proceedings of the West Bengal Legislative Assembly, see the Proceedings of the meeting of the West Bengal Legislative Assembly, held on the 22nd March, 1950.

²For notification declaring the drugs specified to be the drugs to which this Act shall apply and the fixation of the maxim retail prices therefor, see notification No. 2178 F. T., dated 8. 10. 59, published in the *Calcutta Gazette, Extraordinary*, of 1949, Part I, pages 970-984, as subsequently amended from time to time.

[West Ben. Act

(Sections 4—8.)

Fixing of maximum prices and maximum quantities which may be held or sold.

4. (1) The State Government may, by notification in the *Official Gazette*, fix in respect of any drug—

- (a) the maximum price or rate which may be charged by a dealer or producer ;
- (b) the maximum quantity which may at any one time be possessed by a dealer or producer ;
- (c) the maximum quantity which may in any one transaction be sold to any person.

(2) The prices or rates and the quantities fixed in respect of any drug under this section may be different in different localities or for different classes of dealers or producers

Restrictions on sale, etc., where maximum is fixed under section 4.

5. No dealer or producer shall—

- (a) sell, agree to sell, offer for sale or otherwise dispose of to any person any drug for a price or at a rate exceeding the maximum fixed by notification under clause (a) of sub-section (1) of section 4 ;
- (b) have in his possession at any one time a quantity of any drug exceeding the maximum fixed by notification under clause (b) of sub-section (1) of section 4 ; or
- (c) sell, agree to sell or offer for sale to any person in any one transaction a quantity of any article exceeding the maximum fixed by notification under clause (c) of sub-section (1) of section 4.

General limitation on quantity which may be possessed at one time.

6. (1) No person shall have in his possession at any one time a greater quantity of any drug to which this section applies than the quantity necessary for his reasonable needs.

(2) This section shall apply only to such drugs as the State Government may, by order published in the *Official Gazette*, specify for the purpose :

Provided that nothing contained in this section shall apply to a dealer or producer in respect of any drug sold or produced by him.

Duty to declare possession of excess stocks.

7. Any person having in his possession a quantity of any drug exceeding that permitted by or under this Act shall forthwith report the fact to the State Government or other officer empowered in this behalf by the State Government, and shall take such action as to the storage, distribution or disposal of the excess quantity as the State Government may direct.

Refusal to sell,

8. No dealer or producer shall, unless previously authorised to do so by the State Government, without sufficient cause refuse to sell to any person any drug within the limits as to quantity, if any, imposed by this Act.

Explanation.—The possibility or expectation of obtaining a higher price for a drug at a later date shall not be deemed to be a sufficient cause for the purpose of this section.

XXXVI of 1950.]

(Sections 9—12.)

9. (1) Every dealer or producer when selling any drug for cash shall, if the amount of the purchase is five rupees or more, in all cases, and, if the amount of the purchase is less than five rupees, when so requested by the purchaser, give to the purchaser a cash memorandum containing particulars of the transaction.

Cash memorandum to be given of certain sales.

(2) The State Government may, by notification in the *Official Gazette*, prescribe the particulars to be contained in any such cash memorandum.

(3) The State Government may, by notification in the *Official Gazette*, exempt specified areas, classes of dealers or producers, or classes of drugs from the operation of this section.

10. (1) The State Government may direct dealers or producers in general, or any dealer or producer in particular, to mark any drug exposed or intended for sale with the sale prices or to exhibit on the premises a price list of drugs held for sale, and may further give directions as to the manner in which any such direction as aforesaid is to be carried out.

Marking of prices and exhibiting price list.

(2) No dealer shall destroy, efface or alter any label or mark affixed to a drug and indicating the price marked by a producer.

11. Where a dealer or producer makes an offer to enter into a transaction for a consideration to be given as a whole in respect both of a sale of any drug and of some other matter, the dealer or producer making the offer shall state in writing the price which he assigns to that drug, if he is required to do so by any person to whom the offer is made, and the offer shall be deemed for the purposes of this Act to be an offer to sell that drug at the price so stated.

Obligation to state price separately on composite offer.

¹12. (1) If in the opinion of the State Government it is necessary or expedient so to do, it may by order in writing—

Prohibition of sale, etc., and requisitioning of drugs.

(a) prohibit the disposal of any drug except in such circumstances and under such conditions as may be specified in the order ;

(b) direct the sale of any drug to any such dealer or class of dealers and in such quantities as may be specified in the order ;

¹For notification under section 12 of the Act imposing restrictions on the sale and disposal of Isonicotinic Acid Hydrazide derivative of Isonicotinic Acid, in the State of West Bengal, see notification No. 4785/2D-50/52, dated 7.10.52, published in the *Calcutta Gazette*, of 1952, Part I, pages 8344-8345, as amended from time to time.

²For notification under sec. 12(1)(a) of the Act prohibiting the disposal of certain drugs in this State except under certain conditions, see notification No. Medl./8189/2D-5/52, dated 30.6.52, published in the *Calcutta Gazette*, of 1952, Part I, page 2209.

[West Ben. Act

(Section 13.)

(c) requisition any drug (whether at the place of import or at any other place) ;

and make such further orders as appear to it to be necessary or expedient in connection with any order issued under this sub-section.

(2) Where the State Government has requisitioned any drug under sub-section (1), it may use or deal with the drug in such manner as may appear to it to be expedient, and may acquire it by serving on the owner thereof, or, where the owner is not readily traceable or the ownership is in dispute, by publishing in the *Official Gazette* a notice stating that the State Government has decided to acquire it in pursuance of this section.

(3) Where a notice of acquisition is served on the owner of the drug or published in the *Official Gazette* under sub-section (2), then at the beginning of the day on which the notice is so served or published, the drug shall vest in the State free from any encumbrance and the requisition thereof shall be deemed to have ended.

(4) Whenever in pursuance of this section, the State Government requisitions or acquires any drug, the State Government shall pay to the owner thereof such amount as compensation as in the opinion of the State Government fairly represents the loss caused to the owner by such requisition or acquisition.

(5) The State Government may, with a view to requisitioning any drug under sub-section (1) or determining the compensation payable under sub-section (4), by order—

(a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the drug as may be so specified ;

(b) direct that the owner of the drug shall not, without the permission of the State Government, dispose of it till the expiry of such period as may be specified in the order.

Penalties.

13. (1) Whoever contravenes any of the provisions of this Act or of any direction made under authority conferred by this Act shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(2) A Court convicting any person of an offence punishable under this Act may order that the whole or any part of the stock of drugs in respect of which the offence was committed shall be forfeited to the State.

(3) It shall be a defence for a person charged with a contravention of any of the provisions of this section to prove that, in relation to the matter in respect of which he is charged, he acted in the course of his employment as a servant or agent of another person on the instructions of his employer or of some other specified person.

XXXVI of 1950.]

(Sections 14—18.)

14. Where a person committing an offence punishable under this Act is a company or an association or a body of persons, whether incorporated or not, every director, manager, secretary, agent or other officer or person concerned with the management thereof, shall, unless he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent its commission, be deemed to be guilty of such offence.

Offences
by cor-
porations.

15. (1) No person other than a police officer of or above the rank of an Inspector of Police or an officer other than a police officer, authorised in this behalf by the State Government by notification in the *Official Gazette*, shall investigate any offence under this Act.

Procedure.

(2) No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction in the Presidency town of Calcutta, of the Commissioner of Excise, West Bengal, and elsewhere, of the District Magistrate.

16. Any person competent to investigate any offence under this Act may search any place in which he has reason to believe that an offence under this Act has been, or is being committed, and take possession of any stock of drugs in respect of which the offence has been or is being committed.

Powers of
search and
seizure.

17. (1) The State Government may make rules to carry out the purposes of this Act.

Power to
make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) the maintenance by dealers and producers generally, or by any dealer or producer in particular, of records of all sale and purchase transactions made by them ;
- (b) the furnishing of any information as may be required with respect to the business carried on by any dealer or producer ;
- (c) the inspection of any books of account or other documents belonging to or under the control of any dealer or producer.

18. No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

Protection
of action
taken in
good faith.

[West Ben. Act XXXVI of 1950.]

(Sections 19, 20.)

19. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Saving of
other laws.

20. Any rule, order, declaration, requisition or acquisition made, any notification or direction issued, any proceedings commenced, any compensation or punishment awarded, any action taken, and anything done in exercise of any power conferred by or under the West Bengal Drugs (Control) Ordinance, 1949, shall, on the said Ordinance ceasing to operate, be deemed to have been made, issued, commenced, awarded, taken or done in exercise of powers conferred by or under this Act as if this Act had commenced on the 3rd day of October, 1949.

Savings
and
validation.

West Ben.
Ord. VIII
of 1949.

West Bengal Act XXXIX of 1950¹

THE WEST BENGAL COLLECTIVE FINES ACT, 1950.

[1st November, 1950.]

An Act to provide for the imposition of collective fines.

WHEREAS it is expedient to provide for the imposition of collective fines in connection with acts prejudicially affecting the maintenance of public order ;

It is hereby enacted:as follows :—

1. (1) This Act may be called the West Bengal Collective Fines Act, 1950.

Short title
and com-
mence-
ment.

West Ben.
Ord. XIII
of 1950.

(2) It shall come into force immediately on the West Bengal Collective Fines Ordinance, 1950, ceasing to operate.

2. (1) If it appears to the State Government that the inhabitants of any area are concerned in or abetting the commission of acts prejudicially affecting the maintenance of public order (which expression “public order” shall, without prejudice to the generality of its meaning, include public safety and communal harmony) or are harbouring persons concerned in the commission of such acts, or are failing to render all the assistance in their power to discover or apprehend such persons, or are suppressing material evidence of the commission of such acts, the State Government may, by notification in the *Official Gazette*, impose a collective fine on the inhabitants of that area.

Imposition
of collec-
tive fine on
inhabitants
of area.

(2) The State Government or any officer empowered in this behalf by the State Government may, by general or special order, exempt any person or class or section of such inhabitants from liability to pay the whole or any part of the fine apportioned to them.

(3) The Commissioner of Police in Calcutta and the District Magistrate elsewhere after such enquiry as he may deem necessary by himself or some other officer deputed for the purpose, shall apportion such fine amongst the inhabitants who are liable collectively to pay it and such apportionment shall be made according to the judgment of the Commissioner of Police, Calcutta, or the District Magistrate, as the case may be, of the respective means of such inhabitants.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 22nd September, 1950, Pt. IV, page 1267 ; for Proceedings of the West Bengal Legislative Assembly, see the Proceedings of the meeting of the West Bengal Legislative Assembly, held on the 5th October, 1950.

²For notification relating to delegation of powers to the Commissioner of Police, Calcutta, and to the District Magistrate of each district to exempt fines imposed under sub-section (1) of section 2, see notification No. 833/P-11F-2/50, dated 15.1.51, published in the *Calcutta Gazette* of 1951, Part I, page 129.

[West Ben. Act XXXIX of 1950.]**(Sections 3—5.)**

(4) The portion of such fine payable by any person may be recovered—

- (a) in the manner provided by the Code of Criminal Procedure, 1898, for the recovery of fines imposed by a Court : Act V of 1898.

Provided that the State Government may, in lieu of the rules referred to in sub-section (2) of section 386 of the Code of Criminal Procedure, 1898, make rules under this Act regulating the manner in which warrants under clause (a) of sub-section (1) of the said section of the said Code are to be executed, and for the summary determination of any claims made by any person other than the person liable to pay the fine in respect of any property attached in execution of the warrant ; or

- (b) as arrears of land revenue.

Explanation.—For the purposes of this section—

- (a) the expression “Calcutta” means the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866, together with the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866 ; Ben. Act IV of 1866.
Ben. Act II of 1866.
- (b) the expression “inhabitants of an area” includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area, and landlords who themselves or by their agents or servants collect rents from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

Bar to legal proceedings.

3. No suit, prosecution or other legal proceedings whatsoever shall lie against any person for or in respect of anything which is in good faith done or intended to be done under this Act.

Power to make rules.

4. The State Government may make rules for carrying out the purposes of this Act.

Savings.

5. Any fine imposed, any apportionment made, any action taken or anything whatsoever done under the West Bengal Collective Fines Ordinance, 1950, shall on the said Ordinance ceasing to operate be deemed to have been imposed, made, taken or done under this Act, as if this Act had commenced on the 14th day of September, 1950.

West Ben.
Ord. XIII
of 1950.

West Bengal Act XL of 1950¹

THE CONTINGENCY FUND OF WEST BENGAL ACT, 1950.

AMENDED

... { West Ben. Act. XXVI of 1953.
 { West Ben. Act II of 1957.

[1st November, 1950.]

An Act to provide for the establishment and maintenance of a Contingency Fund.

WHEREAS it is expedient to provide for the establishment and maintenance of a Contingency Fund ;

It is hereby enacted as follows :—

1. This Act may be called the Contingency Fund of West Bengal Act, 1950.

Short title.

2. There shall be established a Contingency Fund in the nature of an imprest, entitled the Contingency Fund of West Bengal, into which shall be paid from and out of the Consolidated Fund of West Bengal ²[a sum of five crores of rupees].

Establishment of the Contingency Fund of West Bengal.

3. The Contingency Fund of West Bengal shall be held on behalf of the Governor of West Bengal by a Secretary to the Government of West Bengal in the Finance Department, and no advances shall be made out of such Fund except for the purposes of meeting unforeseen expenditure pending authorisation of such expenditure by the Legislative Assembly of West Bengal under appropriations made by law.

Custody of the Con-

Fund and with-drawals therefrom.

4. For the purposes of carrying out the objects of this Act, the State Government may make rules³ regulating all matters connected with, or ancillary to the custody of, the payment of moneys into, and the withdrawals of moneys from, the Contingency Fund of West Bengal.

Power to make rules.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 12th September, 1950, Pt IV, page 1157 ; for Proceedings of the West Bengal Legislative Assembly, see the Proceedings of the meeting of the West Bengal Legislative Assembly, held on the 6th October, 1950.

²The words "a sum of one crore of Rupees" were originally substituted for the words "a sum of fifty lakhs of rupees" by sec. 2 of the Contingency Fund of West Bengal (Amendment) Act, 1953 (West Ben. Act XXVI of 1953) and thereafter the words "a sum of five crores of rupees" were substituted for the words "a sum of one crore of rupees" by sec. 2 of the Contingency Fund of West Bengal (Amendment) Act, 1957 (West Ben. Act II of 1957).

³For rules made in exercise of the power conferred by this section, see the Finance (Budget) Department notification No. 18703F.B., dated the 7th October, 1955, published in the *Calcutta Gazette*, dated the 20th October, 1955, Pt I, pages 4243-4244.

West Bengal Act XLI of 1950¹

THE WEST BENGAL APPROPRIATION NO. 2 ACT, 1950.

[1st November, 1950.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal to the service of the year ending on the thirty-first day of March, 1951.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal to the service of the year ending on the thirty-first day of March, 1951 ;

It is hereby enacted as follows :—

1. This Act may be called the West Bengal Appropriation (No. 2) Act, 1950.

Short title.

2. From and out of the Consolidated Fund of West Bengal there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Rupees three crores ninety-three lakhs eighty-nine thousand and one towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1951, in respect of the services specified in column 2 of the Schedule.

Issue of Rupees 3,98,89,001 out of the Consolidated Fund of West Bengal for the year 1950-51.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1951.

Appropriation.

SCHEDULE.

1	2	3		
		Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
Grant No.	Services and purposes.			
		Rs.	Rs.	Rs.
2	7—Land Revenue ...	9,16,000	...	9,16,000
5	10—Forest ...	2,00,000	...	2,00,000
16	29—Police ...	48,62,000	...	48,62,000
17	30—Ports and Pilotage	70,000	...	70,000
22	40—Agriculture ...	1	...	1

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 4th October, 1950, Pt. IV, page 1299 ; for Proceedings of the West Bengal Legislative Assembly, see the Proceedings of the meeting of the West Bengal Legislative Assembly, held on the 6th October, 1950.

(Schedule.)

1 Grant No.	2 Services and purposes.	3 Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
25	43—Industries—Industries.	8,88,000	...	8,88,000
	XLI—Receipts from Electricity Schemes—Working expenses.	16,000	...	16,000
	53—Capital Outlay on Electricity Schemes met out of Revenue Account.	96,000	...	96,000
	72—Capital Outlay on Industrial Development outside the Revenue Account.	1,50,000	...	1,50,000
	Total—Grant No. 25	6,50,000	...	6,50,000
27	43—Industries—Cinchona.	2,01,000	...	2,01,000
29	50—Civil Works ...	40,09,000	2,11,000	42,20,000
	81—Capital Account of Civil Works outside the Revenue Account.	30,07,000	...	30,07,000
	Total—Grant No. 29	70,16,000	2,11,000	72,27,000
30A	54A—Territorial and Political Pensions.	2,00,000	...	2,00,000
33	57—Miscellaneous—Miscellaneous.	4,27,000	...	4,27,000
34	57—Miscellaneous—Expenditure on refugees.	56,41,000	...	56,41,000
37	64C—Pre-partition Payments.	95,00,000	15,00,000	1,10,00,000
39A	Transfer to the Contingency Fund of West Bengal.	50,00,000	...	50,00,000
41	Loans and Advances bearing interest.	29,95,000	...	29,95,000
	Grand Total ...	8,76,78,001	17,11,000	8,93,89,001

West Bengal Act XLII of 1950¹

THE WEST DINAJPUR UNION BOARDS ACT, 1950.

[3rd November, 1950.]

An Act for the removal of doubts regarding the local area of the Hilli union and the membership and the tenure of membership of the Hilli union board in the district of West Dinajpur and for modifying the operation of the West Dinajpur Union Boards Ordinance, 1950.

Ben. Act
V of 1919.

WHEREAS under the award of the Boundary Commission, the local area in the district of Dinajpur in the Province of Bengal which was originally declared under section 5 of the Bengal Village Self-Government Act, 1919 (hereinafter referred to as the said Act), to be the Hilli union, fell partly within the Province of West Bengal and partly within the Province of East Bengal ;

AND WHEREAS since the said award, doubts have arisen regarding the local area of the Hilli union and the membership and the tenure of membership of the Hilli union board ;

AND WHEREAS it is expedient to remove such doubts ;

West Ben.
Ord. IX of
1950.

AND WHEREAS it is also expedient to modify the operation of the West Dinajpur Union Boards Ordinance, 1950, in certain respects ;

It is hereby enacted as follows :—

1. (1) This Act may be called the West Dinajpur Union Boards Act, 1950.

title
and com-
mence-
ment.

(2) This section and section 6 shall come into force at once ; the rest of the Act shall come into force immediately on the West Dinajpur Union Boards Ordinance, 1950, ceasing to operate.

2. In this Act,—

Definitions.

(a) “appointed day” means the date on which the award of the Boundary Commission came into force ;

10 & 11
Geo. VI,
c. 80.

(b) “Boundary Commission” means the Boundary Commission referred to in the Indian Independence Act, 1947.

3. On and from the appointed day, the Hilli union shall, for the purposes of section 5 of the said Act, be deemed to comprise of so much of the local area originally declared under the said section to be the local area of the said union as is situated in the district of West Dinajpur.

Local area
of Hilli
union.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 22nd September, 1950, Pt. IV, page 1263 ; for Proceedings of the West Bengal Legislative Assembly, see the Proceedings of the meeting of the West Bengal Legislative Assembly, held on the 29th September, 1950.

[West Ben. Act XLII of 1950.]

(Sections 4—6.)

Member-
ship of the
Hilli union
board.

4. On and from the appointed day, the Hilli union board shall, for the purposes of section 6 of the said Act, be deemed to be constituted of such members of the said union board who immediately before the appointed day were holding office as such members and were resident within areas now comprised in West Bengal.

Term of
office of
members
of the Hilli
union
board.

5. The members of the Hilli union board referred to in section 4 shall hold office up to the 8th day of April, 1951, and for any further period which may elapse between the expiration of the said date and the date of the first meeting at which a quorum is present, of the newly elected members after the next general election for the said union board.

West
Bengal
Ord. IX of
1950 not
to have
effect in
certain
respects.

6. So much of the West Dinajpur Union Boards Ordinance, 1950, as relates to the local areas of the Binshira and Dhalpara unions and the membership and the tenure of membership of the Binshira and Dhalpara union boards shall be deemed never to have been in force.

West Ben.
Ord, IX
of 1950.

West Bengal Act XLIII OF 1950¹

THE WEST BENGAL DENTAL BOARD ACT, 1950.

[3rd November, 1950.]

An Act to provide for the continuance of the constitution of the West Bengal Dental Board as heretofore until the 31st day of December, 1950.

WHEREAS it is expedient that the West Bengal Dental Board shall continue to be constituted as heretofore until the 31st day of December, 1950 ;

It is hereby enacted as follows :—

1. (1) This Act may be called the West Bengal Dental Board Act, 1950.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of West Bengal.

West Ben.
Ord. VI of
1950.

(3) It shall come into force immediately on the West Bengal Dental Board Ordinance, 1950, ceasing to operate.

2. Notwithstanding anything contained in any Act, notification, order or other law, the West Bengal Dental Board shall be deemed to consist, up to the 31st day of December, 1950, of the members holding office as members of the said Board immediately before the commencement of this Act and the term of office of such members shall extend up to that date.

Constitu-
tion of the
West
Bengal
Dental
Board to
continue
as hereto-
fore.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 15th September, 1950, Pt. IV, page 1185 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the West Bengal Legislative Assembly, held on the 29th September, 1950.

West Bengal Act XLV of 1950¹

THE WEST BENGAL DISTURBANCES COMMISSION OF ENQUIRY ACT, 1950.

[3rd November, 1950.]

An Act to vest the Commission of Enquiry appointed to enquire into the recent disturbances in West Bengal with certain powers.

WHEREAS a Commission of Enquiry has been appointed to enquire into the recent disturbances in West Bengal ;

AND WHEREAS it is expedient to vest the said Commission of Enquiry with powers of a Civil Court ;

It is hereby enacted as follows :—

(1) This Act may be called the West Bengal Disturbances Commission of Enquiry Act, 1950.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of West Bengal.

(3) It shall come into force immediately on the West Bengal Disturbances Commission of Enquiry Ordinance, 1950, ceasing to operate.

West Ben.
Ord. VII
of 1950.

2. The Commission of Enquiry appointed under Resolution of the Government of West Bengal, in the Home Department, No. 2394-C.R/CR-475/50 Pt. II, dated the 13th May, 1950 (hereinafter referred to as the Commission), shall have all the powers of a Civil Court for the purposes of receiving evidence, administering oaths, enforcing the attendance of witnesses, and compelling the discovery and production of documents, and shall be deemed to be a Civil Court within the meaning of sections 480, 481 and 482 of the Code of Criminal Procedure, 1898. The Commission shall furthermore have the same powers of dealing with contempt of the Commission or any of its members or of, or in respect of, any proceedings of the Commission as if the Commission were a High Court referred to in article 214 of the Constitution of India.

Powers of
Commis-
sion of
Enquiry.

Act V of
1898.

3. Except in a prosecution for giving false evidence, no statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in, any civil or criminal proceedings :

Statements
made by
persons
to the
Commis-
sion.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 26th September, 1950, Pt. IV, page 1285 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the West Bengal Legislative Assembly, held on the 29th September, 1950.

102 *The West Bengal Disturbances Commission of Enquiry
Act, 1950.*

[West Ben. Act XLV of 1950.]

(Section 4.)

Provided that such statement—

- (a) is one which the Commission permits or requires to be made before it by such person ; and
- (b) is relevant to the subject matter of the inquiry.

Savings.

4. Any power exercised, any action taken or anything whatsoever done under any provision of the West Bengal Disturbances Commission of Enquiry Ordinance, 1950, shall, on the said Ordinance ceasing to operate, be deemed to have been exercised, taken or done under the corresponding provision of this Act as if this Act had commenced on the 3rd day of June, 1950.

West Ben.
Ord. VII
of 1950.

West Bengal Act XLVI of 1950¹

THE WEST BENGAL SECURITY (AMENDMENT) ACT, 1950.

[5th November, 1950.]

An Act to amend the West Bengal Security Act, 1950.

West Ben.
Act XIX
of 1950.

WHEREAS it is expedient to amend the West Bengal Security Act, 1950, for the purposes and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the West Bengal Security (Amendment) Act, 1950.

Short
title and
commence-
ment.

West Ben.
Ord. XI
of 1950.

West Ben.
Ord. XIV
of 1950.

(2) Sections 2, 3, 5 and 6 shall come into force on the date on which the West Bengal Security (Amendment) Ordinance, 1950, and the West Bengal Security (Second Amendment) Ordinance, 1950, cease to operate ; the rest of the Act shall come into force at once.

2, 3, 4, 5. [Amendments incorporated in West Bengal Act XIX of 1950.]

6. (1) Any order made, any action taken or anything whatsoever done under the said Act, as amended by the West Bengal Security (Amendment) Ordinance, 1950, shall, on the said Ordinance ceasing to operate, be deemed to have been made, taken or done under the said Act as amended by this Act as if this Act had commenced on the 14th day of August, 1950.

Savings
and
validation.

(2) Any direction made, any action taken or anything whatsoever done under the said Act as amended by the West Bengal Security (Second Amendment) Ordinance, 1950, shall, on the said Ordinance ceasing to operate, be deemed to have been made, taken or done under the said Act as amended by this Act as if this Act had commenced on the 18th day of September, 1950.

(3) Notwithstanding any law to the contrary, any order made or deemed or purported to have been made, or any notification issued or deemed or purported to have been issued, or any direction given or deemed or purported to have been given, under any provision of the said Act, by—

- (i) the Commissioner of Police, Calcutta, or
- (ii) the First Land Acquisition Collector, Calcutta, or
- (iii) the Second Land Acquisition Collector, Calcutta, or
- (iv) a District Magistrate, or
- (v) an Additional District Magistrate, or

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 22nd September, 1950, Pt. IV, page 1263 ; for Proceedings of the West Bengal Legislative Assembly, see the Proceedings of the meeting of the West Bengal Legislative Assembly, held on the 5th October, 1950.

[West Ben. Act XLVI of 1950.]

(Section 6.)

(vi) the Special Land Acquisition Officer, Alipore, 24-Par-
ganas,

in exercise or discharge or the purported exercise or discharge of any power or duty, in pursuance of any notified order made or deemed or purported to have been made by the State Government, under section 38 of the said Act as in force immediately before the commencement of the West Bengal Security (Second Amendment) Ordinance, 1950, shall be deemed to be and to have always been valid.

West Ben.
Ord. XIV
of 1950.

West Bengal Act LV of 1950¹

THE WEST BENGAL PROHIBITION OF SMOKING IN SHOW HOUSES AND PUBLIC HALLS ACT, 1950.

[16th November, 1950.]

An Act to prohibit smoking in show houses and public halls in West Bengal.

WHEREAS it is expedient to prohibit smoking in show houses and public halls in West Bengal ;

It is hereby enacted as follows :—

1. (1) This Act may be called the West Bengal Prohibition of Smoking in Show Houses and Public Halls Act, 1950

Short title,
extent and
commence-
ment.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act,—

Definitions.

(a) “show house” means any building, or any roofed and enclosed structure, used ordinarily or occasionally for the demonstration or exhibition to the public, whether on payment or otherwise, of cinematographic films, dramatical, pantomime, or musical performances, dances, physical feats of human beings or animals, conjuring tricks or sleights of hand, boxing, wrestling, skating, billiards or table-tennis competitions, or any other indoor amusement or diversion whatsoever ;

(b) “public hall” means a chamber or hall used ordinarily or occasionally as a place of public assembly or meeting.

3. Whoever smokes, during a demonstration, exhibition or meeting, in any part of a show house or public hall reserved for the audience or the spectators shall be punishable with fine which for a first offence may extend to twenty-five rupees and for a second or subsequent offence to one hundred rupees.

Penalty for
smoking
in show
houses and
public
halls.

4. Any police officer not below the rank of sub-inspector may arrest without warrant any person committing in his presence an offence under section 3.

Power to
arrest
without
warrant.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 12th September, 1950, Pt. IV, page 1155 ; for Proceedings of the West Bengal Legislative Assembly, see the Proceedings of the meetings of the West Bengal Legislative Assembly, held on the 28th and 29th September, 1950.

²This Act came into force on the 1st December, 1950, vide notification No. PH. 2862/2B-13/50, dated the 24th November, 1950, published in the *Calcutta Gazette, Extraordinary*, of 1950, Part I, page 1491.

[West Ben. Act LV of 1950.]

(Sections 5, 6.)

Manage-
ment to
post notices
or exhibit
slides.

5. (1) Every person responsible for the management of a demonstration or exhibition in a show house and every person who controls the deliberations of a public assembly or meeting in a public hall, shall bring to the notice of the audience or the spectators, by posting notices prominently or by exhibiting slides, that any person smoking during a demonstration, exhibition or meeting in any part of such show house or public hall reserved for the audience or spectators shall be liable to arrest without warrant and to fine.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to fifty rupees.

Power to
exclude
from the
operation
of the Act.

6. The State Government or any officer of the State Government authorised in this behalf may, by general or special order in writing, direct that the provisions of this Act shall not apply in respect of any show house or public hall or any demonstration, exhibition or public meeting therein.

West Bengal Act LVI of 1950¹

THE WEST BENGAL CLINICAL ESTABLISHMENTS ACT, 1950.

Amended West Ben. Act XII of 1954.

[23rd November, 1950.]

An Act to introduce a system of registration and licensing in respect of clinical establishments.

WHEREAS it is expedient to introduce a system of registration and licensing in respect of clinical establishments ;

It is hereby enacted as follows :—

1. (1) This Act may be called the West Bengal Clinical Establishments Act, 1950.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of West Bengal.

(3) It shall come into ²force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(a) “clinical establishment” means a nursing home, a physical therapy establishment, a clinical laboratory or an establishment analogous to any of them, by whatever name called ;

(b) “clinical laboratory” means an establishment where—

(i) biological, bacteriological, radiological, microscopic, chemical or other tests, examinations or analysis, or

(ii) the preparation of cultures, vaccines, serums or other biological or bacteriological products,

in connection with the diagnosis or treatment of diseases, are or is usually carried on ;

(c) “maternity home” means an establishment where women are usually received and accommodated for the purpose of confinement and ante-natal and post-natal care in connection with child-birth ;

(d) “nursing home” means an establishment where persons suffering from illness, injury or infirmity whether of body or mind are usually received and accommodated for the purpose of nursing and treatment and includes a maternity home ;

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 20th September, 1950, Pt. IV, page 1223 ; for Proceedings of the West Bengal Legislative Assembly, see the Proceedings of the meeting ²of the West Bengal Legislative Assembly, held on the 29th September, 1950.

²This Act came into force on the 15th February, 1952, vide notification No. Medl. 620/PH/2R/50, dated the 11th February, 1952, published in the *Calcutta Gazette*, dated the 14th February, 1952, Part I, page 430.

[West Ben. Act

(Sections 3, 4.)

¹(e) "physical therapy establishment" means an establishment where massaging, electrotherapy, hydrotherapy, remedial gymnastics or similar work is usually carried on, for the purpose of treatment of diseases or of infirmity or for improvement of health, or for the purpose of relaxation or for any other purpose whatsoever, whether or not analogous to the purposes hereinbefore mentioned in this clause ;

(f) "prescribed" means prescribed by rules made under this Act ;

(g) "registered medical practitioner" means a medical practitioner registered under the Bengal Medical Act, 1914 ;

(h) "registered nurse" or "registered midwife" means a nurse or midwife registered under the Bengal Nurses Act, 1934.

Ben. Act
VI of 1914.
Ben. Act
X of 1934.

Clinical
establishment
not to be kept
or carried
on without
registration
and
license.

3. No person shall keep or carry on a clinical establishment without being registered in respect thereof and except under and in accordance with the terms of a license granted therefor.

Applica-
tion for
registra-
tion and
license.

4. (1) Every application for registration in respect of any clinical establishment and for the grant of a license therefor shall be made to such authority (hereinafter referred to as the prescribed authority), shall contain such particulars and shall be accompanied by such fee as may be prescribed.

(2) The prescribed authority, if satisfied that the applicant and the clinical establishment fulfil such conditions as may be prescribed, shall register the applicant in respect of such clinical establishment and shall grant him a license therefor and the registration and the license shall be valid for such period as may be prescribed.

(3) The prescribed authority may reject an application if he is satisfied—

- (a) that the applicant or the clinical establishment does not fulfil the conditions prescribed under sub-section (2) ;
- (b) that the real object of the applicant is to use or allow the clinical establishment to be used for immoral purposes ;
- (c) in the case of a nursing home other than a maternity home that such nursing home is not or will not be under the charge of a registered medical practitioner resident therein and that the nursing of persons received and accommodated therein is not or will not be under the superintendence of a registered nurse resident therein ;
or

¹This clause was substituted for the original clause by section 2 of the West Bengal Clinical Establishments (Amendment) Act, 1954 (West Ben. Act XII of 1954).

LVI of 1950.]

(Section 5.)

- (d) in the case of a maternity home that such maternity home is not or will not be under the charge of a registered midwife and that the attendance on every woman before, at, or after child-birth or on any child born is not or will not be under the superintendence of a registered midwife resident therein ;

and shall in every case where the application is rejected record the grounds for rejection :

¹Provided that no application shall be rejected, unless the applicant has been given an opportunity of showing cause in support of his application.

(4) An appeal shall lie to such authority as may be specified in this behalf, against the rejection of an application under sub-section (3) and any order passed on such appeal shall be final and shall not be questioned in any Court.

(5) Every license granted under sub-section (2) shall be upon such terms as may be prescribed and such terms may, *inter alia*, require—

- (a) such precautions to be observed for safeguarding that the clinical establishment is not used for immoral purposes, such sanitary and hygienic measures to be taken and such accommodation to be provided, as may be specified ;
- (b) in the case of nursing homes, records to be kept of persons received and accommodated and intimation to be given to specified authorities of births, deaths and miscarriages therein ;
- (c) in the case of physical therapy establishments, records to be kept of persons treated therein.

5. If at any time after any person has been registered in respect of any clinical establishment and granted a license therefor, the prescribed authority is satisfied that the terms of the license are not being complied with, he may cancel such registration and license :

Cancellation of registration and license.

²Provided that no cancellation of any registration and license shall be made unless such person has been given an opportunity of showing cause as to why such registration and license should not be cancelled.

¹This proviso was added by sec. 3 of the West Bengal Clinical Establishments (Amendment) Act, 1954 (West Ben. Act XII of 1954).

²This proviso was added by sec. 4, *ibid*.

(Sections 6, 7.)

Power of
entry,
inspection,
etc.

¹6. (1) Subject to such regulations as may be prescribed, any officer of the State Government authorised by the State Government in this behalf, may,—

- (a) enter, at any time by night or by day, with or without notice, any place or establishment which he has reason to believe is being used as a clinical establishment ;
- (b) make such examination of the place or establishment and inspect any equipments, articles or documents found therein and seize and take out therefrom any such equipments, articles or documents, as he deems necessary for the purpose of examination, analysis, investigation or evidence and retain them as long as he thinks it necessary to do so for such purpose ;
- (c) make such inquiries, and put such questions to any person found in such place or establishment, as he deems necessary in order to ascertain whether the place or the establishment is being used as a clinical establishment or not.

(2) No person shall obstruct an officer authorised under sub-section (1) in the exercise of any power conferred by that sub-section or make any false or reckless statement in answer to a question put by such officer in exercise of the power conferred on him under clause (c) of that sub-section.

Offences
and penal-
ties.

7. (1) Any person—

- (a) who contravenes the provisions of section 3, or
- (b) who contravenes the provisions of sub-section (2) of section 6, or
- (c) being the holder of a license granted under this Act in respect of any clinical establishment, uses or allows such establishment to be used for immoral purposes,

shall be guilty of an offence and shall—

- (i) on conviction for a first offence be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both, and
- (ii) on conviction for a second or subsequent offence be punishable with imprisonment for a term which may extend to three years or with fine which may extend to one thousand rupees or with both

and shall in addition be liable to a fine which may extend to twenty-five rupees for every day for which the offence continues after conviction.

(2) Where a person committing an offence under this Act is a company or an association or a body of persons, whether incorporated or not, every director, manager, secretary or other officer

¹This section was substituted for the original section by sec. 5 of the West Bengal Clinical Establishments (Amendment) Act, 1954 (West Ben. Act XII of 1954).

LV1 of 1950.]

(Sections 7A—8.)

concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent its commission, be deemed to be guilty of such offence.

¹7A. Any person who knowingly seives in a clinical establishment which is not duly registered and licensed under this Act or which is used for immoral purposes shall be guilty of an offence and shall be punishable with fine which may extend to five hundred rupees.

Penalty for serving in an unlicensed and unregistered clinical establishment.

¹7B. All offences under sections 7 and 7A shall be cognizable.

Offences under sections 7 and 7A to be cognizable.

8. (1) For a period of six months from the commencement of this Act, the provisions of section 3, section 5, section 6 and section 7 shall not apply to any clinical establishment in existence on the date of such commencement.

Savings.

(2) Nothing in this Act shall apply in respect of—

IV of 1912.

(a) any clinical establishment maintained by or under the control of Government or any local authority; or

(b) any asylum established or licensed under the Indian Lunacy Act, 1912; or

III of 1898.

(c) any leper asylum appointed, established or maintained under the Lepers Act, 1898; or

(d) any chamber or ²[surgery] of a registered medical practitioner; or

(e) any hairdresser's shop or saloon where scalp or face-massage or manicure treatment is administered to female customers only or is administered in full view of all the customers resorting there; ³[or]

⁴(f) any hospital, dispensary or other medical institution recognised in this behalf by the State Government; or

⁵(g) any clinical laboratory, or X-ray installation or establishment, or the like which has no indoor beds and is owned and managed entirely by one or more registered medical practitioners.

¹These sections 7A and 7B were inserted by sec. 6 of the West Bengal Clinical Establishments (Amendment) Act, 1954 (West Ben. Act XII of 1954).

²This word was substituted for the word "clinic" by sec. 7(a), *ibid.*

³The word "or" was added at the end of clause (e) and after that clause, clauses (f) and (g) were added by sec. 7 (b), *ibid.*

[West Ben. Act LVI of 1950.]

(Sections 8A, 9.)

Indemnity. ¹8A. (1) No suit, prosecution or other legal proceedings whatsoever shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act

(2) No suit or other legal proceedings shall lie against Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

Power to make rules. 9. (1) The State Government may make rules² for the purposes of carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters :—

(a) the authority to whom an application under sub-section (1) of section 4 shall be made, the particulars which such application shall contain and the fee with which such application shall be accompanied ;

(b) the conditions which an applicant and a clinical establishment shall fulfil under sub-section (2) of section 4 ;

(c) the period for which registration and license under sub-section (2) of section 4 shall be valid ;

(d) the period of limitation for an appeal under sub-section (4) of section 4 and the procedure on such appeals ;

(e) the terms upon which a license shall be granted under sub-section (5) of section 4 ;

³(f) the regulations subject to which an officer authorised under sub-section (1) of section 6 may exercise his powers under that sub-section ;

(g) any other matter required to be prescribed by rules.

¹This section was inserted by sec. 8 of the West Bengal Clinical Establishments (Amendment) Act, 1954 (West Ben. Act XII of 1954).

²For rules made in exercise of the power conferred by this section, see notification No. Medl. 621/PH-2R-72/51, dated the 11th February, 1952 of the Medical and Public Health Department, published in the *Calcutta Gazette, Extraordinary*, dated the 14th February, 1952, Part I, pages 385-393, as amended by that Department Notification No. Medl. P. H. 1266-2R-72/50, dated the 14th March, 1952, published in the *Calcutta Gazette*, dated the 27th March, 1952, Part I, page 940 and other subsequent notifications.

³This clause was substituted for the original clause by sec. 9 of the West Bengal Clinical Establishments (Amendment) Act, 1954 (West Ben. Act XII of 1954).

West Bengal Act LVIII of 1950¹

THE CRIMINAL PROCEDURE (WEST BENGAL AMENDMENT) ACT, 1950.

[23rd November, 1950.]

*An Act further to amend the Code of Criminal Procedure, 1898,
in its application to West Bengal.*

Act V of
1898.

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898, in its application to West Bengal, in the manner hereinafter appearing ;

It is hereby enacted as follows :

1. This Act may be called the Criminal Procedure (West Bengal Amendment) Act, 1950. Short title.

2. The Code of Criminal Procedure, 1898 (hereinafter referred to as the Code), shall, in its application to such parts of West Bengal as the State Government may from time to time by notification in the *Official Gazette* appoint, be amended in the manner hereinafter provided. Applica-
tion.

3. In section 196 of the Code after the word and figures "section 127" the words, figures and letter "and section 171F so far as it relates to the offence of personation at an election" shall be inserted within the brackets. Amend-
ment of
section
196 of Act
V of 1898.

4. In Schedule II to the Code,—

(a) in column two of the entry relating to section 171F of the Indian Penal Code, the words "and personation" shall be omitted ; Amend-
ment of
Schedule
II.

(b) after the said entry so amended, the following shall be inserted, namely :—

"Personation at an election.	May arrest" without warrant.	Ditto	Ditto	Ditto	Ditto	Ditto."
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(c) in column three of the entry relating to section 171G of the Indian Penal Code, for the word "Ditto" the words "Shall not arrest without warrant" shall be substituted.

Act XLV
of 1860.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 14th September, 1950, Part IV, page 1177. for Proceedings of the West Bengal Legislative Assembly, see the Proceedings of the meeting of the West Bengal Legislative Assembly, held on the 4th October, 1950.

West Bengal Act LX of 1950¹

THE CRIMINAL PROCEDURE (WEST BENGAL SECOND AMENDMENT) ACT, 1950.

[30th November, 1950.]

*An Act to further to amend the Code of Criminal Procedure, 1898,
in its application to West Bengal.*

Act V of
1898.

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898, in its application to West Bengal, in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. This Act may be called the Criminal Procedure (West Bengal Second Amendment) Act, 1950. Short title.

2. The Code of Criminal Procedure, 1898 (hereinafter referred to as the said Code) shall, in its application to West Bengal, be amended in the manner hereinafter provided. Applica-
tion.

3. In section 407 of the said Code,—

(a) in sub-section (1), for the words “may appeal to the District Magistrate”, the following shall be substituted, namely :— Amend-
ment of
section 407
of Act V of
1898.

“may appeal—

(a) in any such district as the State Government may, by notification in the *Official Gazette*, specify, to the Court of Session, and

(b) in any other district, to the District Magistrate.” ;

(b) in sub-section (2), for the words “under this section” the words, brackets, letter and figure “under clause (b) of sub-section (1) of this section” shall be substituted ; and

(c) after sub-section (2), the following sub-section shall be added, namely :—

“(3) The Sessions Judge may transfer to any Assistant Sessions Judge subordinate to him any appeal presented to the Court of Session under clause (a) of sub-section (1) of this section and thereupon such appeal shall be heard by such Assistant Sessions Judge. The Sessions Judge may withdraw from such Assistant Sessions Judge any appeal so transferred”.

4. In section 409 of the said Code, before the words “An appeal” the words, brackets and figures “Subject to the provisions of sub-section (3) of section 407,” shall be inserted. Amend-
ment of
section 409.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 15th September, 1950, Part IV, page 1179, for Proceedings of the West Bengal Legislative Assembly, see the Proceedings of the meeting of the West Bengal Legislative Assembly, held on the 4th October, 1950.

THE COOCH BEHAR (ASSIMILATION OF STATE LAWS) ACT, 1950.

Amended { West Ben. Act XXXI of 1954.
West Ben. Act XXI of 1955.

An Act to assimilate certain State laws in force in Cooch Behar to the State laws in force in the rest of West Bengal.

WHEREAS it is expedient to assimilate certain State laws in force in Cooch Behar to the State laws in force in the rest of West Bengal ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Cooch Behar (Assimilation of State Laws) Act, 1950.

**Short title
and com-
mence-
ment.**

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act,—

Definitions.

(a) "appointed day" means the date appointed under sub-section (2) of section 1 for the coming into force of this Act ;

(b) "Cooch Behar" means the merged territory of Cooch Behar in the State of West Bengal ;

(c) "State law" means so much of any Act, Ordinance, Regulation, rule, order or by-law as relates to any of the matters enumerated in List II in the Seventh Schedule to the Constitution of India.

3. (1) All State laws which immediately before the appointed day extend to, or are in force in the State of West Bengal, but do not extend to, or are not in force in, Cooch Behar shall, as from that day, extend to, or as the case may be, come into force in, Cooch Behar.

Assimila- tion of State Laws.

(2) All State laws which, immediately before the appointed day, are in force in Cooch Behar but not in the rest of West Bengal shall on that day cease to be in force in Cooch Behar, except as respects things done or omitted to be done before that day.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 22nd September, 1950, Part IV, page 1271, for Proceedings of the West Bengal Legislative Assembly, see the Proceedings of the meeting of the West Bengal Legislative Assembly, held on the 4th October, 1950.

³This Act came into force on the 1st January, 1951, vide Notification No. 7497J., dated the 18th December, 1950, published in the *Calcutta Gazette*, dated the 28th December, 1950, Part I, page 2605.

[West Ben. Act

(Section 4 and Schedule I.)

(3) Notwithstanding anything contained in sub-sections (1) and (2), the Cooch Behar Acts specified in Schedule I as in force in Cooch Behar immediately before the appointed day shall continue to be in force therein after the said date subject to the adaptations specified in that Schedule, and the State laws specified in Schedule II shall not extend to, or come into force in, Cooch Behar :

Provided that the State Government may, by notification in the *Official Gazette*, appoint a date on which any of the Acts specified in Schedule I shall cease to be in force and any of the Acts specified in Schedule II shall extend to, or come into force in, Cooch Behar.

(4) Nothing in this section shall be deemed to restrict or affect in any way, any shooting or fishing rights guaranteed or assured to His Highness the Maharaja of Cooch Behar under any covenant or agreement made with the Government of the Dominion of India, before the commencement of the Constitution of India.

¹(5) Notwithstanding anything contained in the foregoing sub-sections, if at any time after the commencement of this Act, any part of Cooch Behar is transferred from the district of Cooch Behar, to, and included in, any other district in West Bengal, then, on and from the date of transfer, to, and inclusion in, such other district of such part,—

- (i) all Acts specified in Schedule I which immediately before the said date were in force in such part subject to the adaptations specified in that Schedule, shall cease to be in force therein, except as respects things done or omitted to be done before such date ; and
- (ii) all Acts specified in Schedule II which immediately before such date did not extend to, or were not in force in such part, shall extend to, or, as the case may be, come into force in such part.

Provision
for removal
of diffi-
culties.

4. If any difficulty arises in relation to the transition from the laws mentioned in sub-section (2) of section 3 to the laws mentioned in sub-section (1) thereof, the State Government may, by order notified in the *Official Gazette*, make such provision as it considers necessary for the removal of such difficulty.

SCHEDULE 1.

[See section 3(3).]

- (1) The Cooch Behar Village Choukidari Act, 1893 (Cooch Behar Act III of 1893).

Throughout the Act.—For “Fouzdari Ahilkar” substitute “District Magistrate”.

¹This sub-section was added by sec. 2 of the Cooch Behar (Assimilation of State Laws) (Amendment) Act, 1954 (West Ben. Act XXXI of 1954).

LXIII of 1950.]

(Schedule 1.)

Preamble.—For “State” substitute “district”.

Section I.—In sub-clause (1), for “by a Sanud under his hand and seal” substitute “by an order published in the *Official Gazette*”; for “State” substitute “district”.

In sub-clause (2), for “His Highness the Maharaja Bhup Bahadur in Council”, in the two places where they occur, substitute “the State Government”; for “*Cooch Behar Gazette*” substitute “*Official Gazette*”.

In the first proviso, for “Cooch Behar Municipal Act I of 1885” substitute “Cooch Behar Town Committee Act of 1903 (Cooch Behar Act IV of 1903) or the Cooch Behar Municipal Act, 1914 (Cooch Behar Act III of 1944)”.

Section VI(A).—In sub-clauses (1) and (3) for “His Highness the Maharaja Bhup Bahadur in Council” substitute “the State Government”; for “*Cooch Behar Gazette*”, in the two places where they occur, substitute “*Official Gazette*”.

In sub-clause (2), for “granted a Sanud given under the hand and seal of” substitute “given an order in writing by”.

Section VI(B).—In clause (h), for “His Highness the Maharaja Bhup Bahadur in Council” substitute “the State Government”; for “*Cooch Behar Gazette*” substitute “*Official Gazette*”.

Section X.—For “annas 12” substitute “Rupees 2” and for “one pice or quarter of an anna” substitute “two pice or half an anna”.

Section XXXIII.—In clause 6th, for “State Council” substitute “State Government”.

In clause 13th, for “His Highness the Maharaja Bhup Bahadur in Council” substitute “the State Government”, and for “*Cooch Behar Gazette*” substitute “*Official Gazette*”.

Section XLIII.—For “Superintendent of the State” substitute “Divisional Commissioner”.

Section XLIV.—For “Cooch Behar State” substitute “the district of Cooch Behar”.

(2) The Cooch Behar Cess Act, 1893 (Cooch Behar Act V of 1893.)

Throughout the Act.—For “His Highness the Maharaja in Council”, “His Highness in Council” and “His Highness” substitute “the State Government” except where otherwise mentioned; ¹[for “Naib Ahilkar” substitute “Deputy Collector, Sub-Collector

¹These words were substituted with retrospective effect for the words “for Naib Ahilkar” substitute “Deputy Collector” by s. c. 2(a)(i) of the Cooch Behar (Assimilation of State Laws) (Amendment) Act, 1955 (West Ben. Act XXI of 1955).

[West Ben. Act

(Schedule 1.)

or Sub-Deputy Collector, as the case may be,"] ; ¹[for "Naib Ahilkar of the subdivision" substitute "Deputy Collector, Sub-Collector or Sub-Deputy Collector, being the subdivisional Magistrate in charge of the subdivision"] ; for "Revenue Minister" substitute "Collector".

Long title and preamble.—For "State" substitute "district".

Section 2.—Omit definition of "Naib Ahilkar" ; in the definitions of "Lakherajdar" and "Mokoraridar", after "State" insert "of Cooch Behar before merger".

Section 6.—Omit section 6.

Section 7.—Omit "if he think fit".

Section 18.—For "the State" substitute "Government".

Section 25.—For "State Council" substitute "Divisional Commissioner or the Board of Revenue".

Section 31.—For "State" substitute "Government".

Section 34.—For "His Highness the Maharaja in Council" substitute "the Divisional Commissioner and the Board of Revenue" ; in the marginal note, for "State Council" substitute "Divisional Commissioner and Board of Revenue".

Part III, Chapter V.—For the heading "Constitution and Administration of the Communication Improvement Fund" substitute "Temporary Provisions".

Section 36.—For section 36, substitute the following :—

36. Until the constitution of a District Board for Cooch Behar, the amount produced by the Communication Improvement Cess, etc., all sums levied or recovered as fines, penalties or otherwise in respect of the cess under this Act, shall form part of the Consolidated Fund of the State of West Bengal ; and the cost of repair and maintenance of roads, bridges and other means of communication and the cost of construction and maintenance of any other work of public utility shall be paid out of the Consolidated Fund of the State of West Bengal."

Sections 37, 38, 39 and 40.—Omit these sections.

¹These words were substituted with retrospective effect for the words "for "Naib Ahilkar of the subdivision" substitute "Deputy Collector in charge of the sub-division" by sec. 2(a)(ii) of the Cooch Behar (Assimilation of State Laws) (Amendment) Act, 1955 (West Ben. Act XXI of 1955).

LXIII of 1950.]

(Schedule I.)

(3) The Cooch Behar Revenue Sales Act, 1897 (Cooch Behar Act V of 1897).

Throughout the Act.—¹[For “Naib Ahilkar” substitute “Deputy Collector, Sub-Collector or Sub-Deputy Collector, as the case may be,”]; for “Revenue Minister” substitute “Collector of the district”; for “Cooch Behar Gazette” substitute “Official Gazette”; for “Council” substitute “Board of Revenue, West Bengal”; and for “Civil and Sessions Judge” substitute “District Judge”.

Long title.—For “State” substitute “district”.

Section III.—For “State” substitute “Government”.

Omit the definition of Naib Ahilkar.

Section IV.—Omit this section.

Section V.—For “as notified under the provisions of the preceding section” substitute “fixed under the provisions of the Kist Act, Cooch Behar, 1898 (Cooch Behar Act I of 1898)”.

²*Section VI.*—For “shall, as soon as possible” substitute “being the Subdivisional Magistrate in charge of a subdivision, shall, as soon as possible,”;

Section VII (A).—For “Revenue Officer” substitute “Collector”; for “State” substitute “Government”; for “Section 7 of the Cooch Behar Public Demands Recovery Act (II of 1899)” substitute “the Bengal Public Demands Recovery Act, 1913 (Bengal Act III of 1913)”.

Sections IX, XIII, XXI, XXVII, XXXII and XXXIII.—For “State” substitute “Government”.

Section XVI.—For “State” substitute “district”.

³*Section XVIII.*—For the words beginning with “on the towjee or register in use” and ending with “being put up first”, substitute “on the towjee or register in use in the office of the Deputy Collector, Sub-Collector or Sub-Deputy Collector, as the case may be, being put up first,”;

¹These words were substituted with retrospective effect for the words ‘for “Naib Ahilkar” substitute “Deputy Collector”’ by sec. 2 (b)(i) of the Cooch Behar (Assimilation of State Laws) (Amendment) Act, 1955 (West Ben. Act XXI of 1955).

²This entry relating to *Section VI* was inserted with retrospective effect by sec. 2(b)(ii), *ibid.*

³This entry relating to *Section XVIII* was inserted with retrospective effect by sec. 2(b)(iii), *ibid.*

[West Ben. Act

(Schedule I.)

Section XXXVII.—¹[For “Naib Ahilkar may refer to any Sub-Naib Ahilkar subordinate to him” *substitute* “Deputy Collector, Sub-Collector or Sub-Deputy Collector, being the Sub-Divisional Magistrate in charge of a subdivision, may refer to any other Deputy Collector, Sub-Collector or Sub-Deputy Collector of the same station”]; in clause 3 *omit* “Sub-Naib Ahilkar”.

²**Schedule A.**—For the words beginning with “the undermentioned jotes or shares of jotes” and ending with “office of that Sub-division” *substitute* “the undermentioned jotes or shares of jotes in the Sub-division of....., district Cooch Behar, will be put up for sale at the office of the Deputy Collector/Sub-Collector/Sub-Deputy Collector (omit the words not applicable), being the Sub-divisional Magistrate in charge of that subdivision”.

(4) The Kist Act, Cooch Behar, 1898 (Cooch Behar Act I of 1898).

Throughout the Act.—For “State” *substitute* “Government”.

(5) The Cooch Behar Town Committee Act of 1903 (Cooch Behar Act IV of 1903).

Throughout the Act.—For “Cooch Behar Gazette” *substitute* “Official Gazette”; for “His Highness the Maharaja in Council”, or “His Highness the Maharaja Bhup Bahadur in Council” *substitute* “State Government”; for “His Highness in Council” *substitute* “State Government”.

Section V.—In sub-section (13) for “His Highness the Maharaja” *substitute* “State Government”.

Section VIII.—For “to him may seem fit” *substitute* “may be specified in the notification”.

Section XI.—For “Fouzdari Ahilkar” *substitute* “District Magistrate”; for “State Engineer” *substitute* “Executive Engineer”; for “Naib Ahilkars” *substitute* “Officers”.

Section XIII.—For “the State” *substitute* “Government”.

Section XV.—For “His Highness the Maharaja” *substitute* “State Government”; for “State Funds” *substitute* “Consolidated Fund of the State”.

Section XVII.—For “His Highness the Maharaja” *substitute* “State Government”.

¹These words were substituted with retrospective effect for the words ‘for the words “Naib Ahilkar may refer to any sub-Naib Ahilkar subordinate to him” *substitute* “Deputy Collector in charge of a subdivision may refer to any other Deputy Collector or any Sub-Deputy Collector of the same station”’ by sec. 2(b)(v) of the Cooch Behar (Assimilation of State Laws) (Amendment) Act, 1955 (West Ben. Act XXI of 1955).

²This entry relating to Schedule A was substituted with retrospective effect for the following previous entry, namely :—“*Schedule A.*—For “State” *substitute* “district”, wherever it occurs.” by sec. 2(b)(v), *ibid.*

LXIII of 1950.]

(Schedule I.)

Section XX.—Omit “provided that when a member of the State Council is also a member of the Town Committee, he and not the Vice-Chairman, shall preside”.

Section XXIX.—For “The accounts of the Town Committee shall be subject to audit by the Audit Office of the State in the way that accounts of all other departments of the State are so subject” substitute “The Town Committee shall make arrangements, subject to the approval of the State Government, for the examination and audit of accounts of the Committee and may direct the publication of such accounts”.

Section XLIIIA.—For this section substitute the following :—

XLIIIA. Chaukidars appointed under this Act shall exercise all the powers and perform all the duties of Chaukidars appointed under this Act. and be subject to all the liabilities of police officers as prescribed by any law for the time being in force so far as such powers, duties and liabilities are not inconsistent with or otherwise expressly provided for by this Act.”

Sections XLV and XLVI.—For “Fouzdari Ahilkar” substitute “District Magistrate”.

Section XLVII.—For “State” substitute “Government”.

Section L.—For “State” substitute “Government”.

Section LXVIII.—For “State” substitute “Government”.

Section LXLII.—For “His Highness the Maharaja” substitute “Government”.

Section C.—For “State” substitute “Government”.

(6) The Cooch Behar Tenancy Act, 1910 (Cooch Behar Act V of 1910).

Throughout the Act.—For “Naib Ahilkar” substitute “Deputy Collector” ; for “State Council” substitute “Government” ; for “State”, wherever it occurs in the expression “not paying revenue to the State”, substitute “Government”.

Preamble.—For “State” substitute “district”.

Section 1.—For sub-section (2), substitute—

“(2) It shall apply to the whole of the district of Cooch Behar”.

Section 3.—In clause (a) of sub-section (1) for “State” substitute “Government” ; in sub-section (3) omit “in the State” ; in sub-section (5) for “State” substitute “Government” ; in sub-section (8) for “State” substitute “Government” ; in sub-section (9) for “State” substitute “Government” ; omit sub-section (16) ; in

[West Ben. Act

(Schedule I.)

sub-section (20) for "State" substitute "district" ; in sub-section (23) for "State" substitute "Government" and omit "in the State" ; in sub-section (27) omit "as introduced into the State".

Section 4.—Omit "as introduced into the State".

Section 5.—In clause (a) for "State" substitute "Government".

Section 8.—In the explanation, for "State" substitute "Government".

Section 10.—In the proviso for "State" substitute "district".

Section 18A.—For "State" substitute "Government".

Section 34.—Omit "of the State".

Section 36.—In sub-section (1) for "His Highness in Council" substitute "State Government".

Section 39A.—In sub-section (1) omit "as introduced into the State".

Section 39B.—For "the Cooch Behar Limitation Act, 1921" substitute "any other law for the time being in force".

Section 41.—Omit "in force in the State".

Section 47.—"Civil Judge", where it occurs for the first time, substitute "District Judge, Additional Judge or Subordinate Judge" ; for "His Highness in Council" substitute "High Court" ; in the proviso for "Civil Judge" substitute "District Judge".

Section 49.—For the words "Revenue Minister" in the second paragraph, substitute "Dewan or Revenue Minister of Cooch Behar or by the Chief Commissioner or the Collector".

Section 58.—In the proviso to sub-section (2) for "His Highness in Council" substitute "State Government".

Section 65.—In sub-section (3) after "appears" insert "to the Court" and for "Civil Judge" substitute "District Judge".

Section 66.—For "State" substitute "district".

Section 68A.—In sub-section (2) for "Civil Judge" substitute "District Judge".

Section 73.—In sub-section (4) for "State" substitute "Government".

Section 79.—For "Revenue Minister" substitute "Collector".

Section 82.—Omit "as introduced into the State" from both the sub-sections (1) and (2).

Section 88.—For "State" substitute "Government".

Section 89.—For "State" substitute "Government".

Schedule V.—In Part II, for "Civil Judge" substitute "District Judge" ; for "Revenue Minister" substitute "Collector".

LXIII of 1950.]

(Schedule I.)

In Part III, for "Cooch Behar Limitation Act, 1921" substitute "Indian Limitation Act, 1908".

(7) The Cooch Behar Municipal Act, 1944 (Cooch Behar Act III of 1944).

Throughout the Act.—For "State" substitute "district" except where otherwise specifically provided; for "Cooch Behar Gazette" substitute "Official Gazette"; for "Durbar" substitute "State Government"; for "Fouzdari Ahikar" substitute "District Magistrate".

Section 1.—In sub-section (2) omit "after publication in the Cooch Behar Gazette with the assent of His Highness Maharaja Bhup Bahadur".

Section 4.—In sub-clause (b) of clause (10) for "His Highness the Maharaja Bhup Bahadur in Council" substitute "State Government".

Omit clause (15).

Section 15.—For clause (ii) of sub-section (2) substitute "(ii) is a citizen of India, and".

Section 25.—In sub-section (1) omit "and section 171J of the Cooch Behar Penal Code concerning an election under this Act"; in clause (c) of sub-section (1) omit "section 171J of the Cooch Behar Penal Code concerning an election under this Act and"; in sub-section (3) omit "and section 171J of the Cooch Behar Penal Code concerning an election under this Act".

Section 26.—In sub-section (1) for "Civil Judge of the State" substitute "District Judge"; in clause (a) of sub-section (2) insert "1908" after "Code of Civil Procedure".

Section 33.—In clause (b) of sub-section (1) for "His Highness the Maharaja Bhup Bahadur, his heirs and successors" substitute "the Union of India".

Section 60.—For "State" substitute "Government".

Section 63.—In sub-section (3), for "Cooch Behar Registration Act, 1921" substitute "Indian Registration Act, 1908".

Section 65.—In clause (c), for "State funds by His Highness the Maharaja Bhup Bahadur or by the Durbar" substitute "Consolidated Fund of the State".

Section 74.—For this section substitute the following :—

74. The accounts of the Municipal Funds shall be
"Audit of audited at such times and in such manner
accounts. as the State Government may prescribe."

Section 122.—In the first proviso to sub-section (1) for "State" substitute "Government".

[West Ben. Act XLIII of 1950.]

(Schedule I and Schedule II.)

Section 190.—*For clauses (a) and (b) substitute—*

- “(a) prescribing the standard weights and measures to be used within the municipality, namely,—
- (i) Government standard weights, that is to say, one maund consisting of 40 seers, one seer consisting of 80 tolas and one tola consisting of 180 grains ; or
 - (ii) a standard cubit consisting of 18 inches for the measure of commodities other than land ; or
 - (iii) both the weights and the measure of length mentioned in sub-clauses (i) and (ii) respectively ;
- (b) providing standards of the weights and measures so prescribed ;”.

Section 191.—*For sub-section (1) substitute—*

“(1) Where the Commissioners of any municipality have made by-laws under section 190 prescribing standard weights and measures to be used within the municipality, they may, at a meeting by an order published in the prescribed manner, prohibit the use within the municipality of any maund, seer or tola or any cubit measure other than such as conform with the standard prescribed in the said by-laws.”.

In sub-section (2) for the words “when such standard weights or measures or both are in force” substitute “when such order has been published”.

Section 193.—*For “Cooch Behar Food Adulteration Act, 1941” substitute “Bengal Food Adulteration Act, 1919”.*

Sections 221 and 234.—*For “Cooch Behar Penal Code” substitute “Indian Penal Code”.*

Section 227.—In clause (c) of sub-section (1) for “His Highness the Maharaja Bhup Bahadur of Cooch Behar” substitute “State Government”.

SCHEDULE II.

[See section 3(3).]

- (1) The Bengal Land Revenue Sales Act, 1859 (XI of 1859).
- (2) The Bengal Land Revenue Sales Act, 1868 (Bengal Act VII of 1868).
- (3) The Village Chaukidari Act, 1870 (Bengal Act VI of 1870).
- (4) The Bengal Village Chaukidari Act, 1871 (Bengal Act I of 1871).
- (5) The Cess Act, 1880 (Bengal Act IX of 1880).
- (6) The Bengal Tenancy Act, 1885 (VIII of 1885).
- (7) The Bengal Village Self-Government Act, 1919 (Bengal Act V of 1919).
- (8) The Bengal Municipal Act, 1932 (Bengal Act XV of 1932).

West Bengal Act V of 1951¹

THE WEST BENGAL EVACUEE PROPERTY ACT, 1951.

AMENDED

{ West Ben. Act XX of 1951.
West Ben. Act XVIII of 1952.
West Ben. Act XXX of 1954.

[21st March, 1951.]

An Act to provide for certain matters relating to evacuee property.

WHEREAS it is expedient to provide for certain matters relating to evacuee property :

It is hereby enacted as follows :—

1. (1) This Act may be called the West Bengal Evacuee Property Act, 1951.

(2) It extends to the whole of West Bengal.

(3) It shall come into force immediately on the West Bengal Evacuee Property Ordinance, 1951, ceasing to operate.

(4) It shall not apply to any property acquired or requisitioned by the State Government for the purposes of the State or for any public purpose.

Short title,
extent
and com-
mence-
ment.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(a) “allotment” means the grant by the Collector of a temporary right to use and occupy any property otherwise than by way of lease ;

(b) “appointed day” means the 31st day of March, 1951 ;

(c) “evacuee” means a person ordinarily resident in West Bengal who on account of communal disturbances or the fear of such disturbances leaves, or has after the 15th day of August, 1947, left, West Bengal, for any place in Pakistan and includes the legal heirs of such person ;

(d) “property” means immovable property ;

(e) “prescribed” means prescribed by rules made under this Act ;

(f) “the Collector” used in relation to any property means—

(i) where the property is situated within Calcutta as defined in section 3 of the Calcutta Police Act, 1866 or within the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866—

the Commissioner of Police, Calcutta, or

West Ben.
Ord. II of
1951.

Ben. Act
IV of
1866.
Ben. Act
II of
1866.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 7th February, 1951, Pt. IV, page 167 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of the West Bengal Legislative Assembly, held on the 21st and 22nd February, 1951.

For amendment of the Act as extended to Tripura, see the West Bengal Evacuee Property (Tripura Amendment) Act, 1952 (LXXV of 1952).

[West Ben. Act

(Sections 3, 4.)

an officer ¹appointed in this behalf by the State Government to perform all or any of the functions of a Collector under this Act ;

(ii) where the property is situated elsewhere than as aforesaid—

the Collector of the district within which the property is situated, or

an Additional District Magistrate of such district, appointed in this behalf by the State Government to perform all or any of the functions of a Collector under this Act ;

(g) "the Committee" means the Evacuee Property Management Committee for West Bengal constituted under sub-section (1) of section 11 ;

(h) "urban area" means Calcutta as defined in clause (11) of section 3 of the Calcutta Municipal Act, 1923² or any place where the Bengal Municipal Act, 1932, is in force and includes any other area declared by the State Government to be an urban area for the purpose of this Act, by notification in the *Official Gazette*.

Ben. Act
III of
1923,
Ben. Act
XV of
1932,

Evacuee
property.

3. Every property of an evacuee lying in West Bengal, other than property in charge of the Court of Wards, is hereby declared to be evacuee property.

Powers and
duties of
a Collector.

4. (1) The Collector or an officer to whom the power of a Collector are delegated under section 10, if he is satisfied with respect to any evacuee property that such property is lying unoccupied, uncultivated or uncared for, or has come to be wrongfully used or occupied by any person, may, by order styled a Collector's order, subject to any general or special orders of the State Government,—

(a) take such measures as he considers necessary or expedient for the purposes of protecting and preserving such property and do such acts and incur such expenses as may be necessary or incidental for such purposes ;

(b) remove or cause to be removed, by force if necessary, any person who is wrongfully using or occupying such property.

(2) Where an order has been passed in respect of any evacuee property of an evacuee the Collector shall report to the Committee—

¹For notification relating to appointment of the Additional District Magistrate, Nadia, to perform all the functions of a Collector under the Act, see notification No. 6526 E.P.A., dated 31.8.53, published in the *Calcutta Gazette* of 1953, Part I, page 1118.

²The Calcutta Municipal Act, 1928 (Ben. Act III of 1923) was repealed and re-enacted by the Calcutta Municipal Act, 1951 ((West Ben. Act XXXIII of 1951).

V of 1951.]

(Section 5.)

- (i) if before the expiry of the appointed day, the evacuee makes to the Collector a declaration of his intention not to return to West Bengal—as soon as may be, after he received such declaration ;
- (ii) if before the expiry of the appointed day the evacuee does not make a declaration to the Collector of his intention not to return to West Bengal—as soon as may be, after the appointed day.

5. (1) An evacuee who returns to West Bengal before the expiry of the appointed day may apply in writing to the Collector before the expiry of that day—

Cancellation of Collector's Order and delivery of possession.

- (a) where a Collector's Order has been made in respect of any of his evacuee property and such property is not in the wrongful use or occupation of any person—for the cancellation of such order ;
- (b) where a Collector's Order has been made in respect of any of his evacuee property and such property is in the wrongful use or occupation of any person—for the cancellation of such order and for the delivery of possession of such property ; and
- (c) where a Collector's Order has not been made in respect of any of his evacuee property and such property is in the wrongful use or occupation of any person—for the delivery of possession of such property.

(2) Upon an application aforesaid being made the ¹[Collector shall], after making such summary inquiry as he thinks fit,—

- (a) in cases coming under sub-clause (a) or (b) of sub-section (1) cancel the Collector's Order ; and
- (b) in cases coming under clause (b) or (c) of sub-section (1), also cause the possession of such property to be delivered to the evacuee and may use or cause to be used force for such purposes, if necessary :

²[Provided that where] the Collector is of opinion that the cancellation of the Collector's Order or the delivery of possession would not be feasible under sub-section (2), he shall report the case to the State Government and the State Government

¹These words were substituted for the words "Collector may" by sec. 2(a) of the West Bengal Evacuee Property (Amendment) Act, 1951 (West Ben. Act XX of 1951).

²These words were substituted for the brackets, figure and word "(9) Where" by sec. 2(b), *ibid.*

[West Ben. Act

(Sections 6—9.)

shall thereupon ¹[refer the case for advice to the Minority Commission constituted for the time being by the State Government]. The State Government shall after considering such advice pass such order as it thinks fit, so however, that if the State Government is of opinion that exceptional circumstances exist on account of which it would not be feasible to cancel the Collector's Order or to cause the possession of the evacuee property to be delivered, it shall take such steps for adequately rehabilitating the evacuee as it deems necessary.

Excep-
tions, etc.

6. (1) Save and except as provided in sub-section (2), nothing in section 5 shall apply to any evacuee property of an evacuee, situated within an urban area, if the evacuee left West Bengal for a place in Pakistan, prior to the 1st day of January, 1950.

(2) The provisions of section 5 shall apply to an evacuee property of an evacuee situated within an urban area held by the evacuee as a tenant-at-will or a *thika* tenant or a monthly tenant, if, and only if on the date of the application under sub-section (1) of section 5, such property is not in the possession of a person other than the evacuee, holding under a lease granted by or with the authority of the immediate landlord of the evacuee.

Exemp-
tion of
evacuee
property
from
attach-
ment, etc.

7. (1) No evacuee property shall be liable to attachment, distraint or sale in execution of a decree or order of a Court, or any other authority, while a Collector's Order is in force in respect of such property.

(2) In computing the period of limitation applicable to any suit, appeal or application in respect of any evacuee property the time during which a Collector's Order remains in force in respect of such property shall be excluded.

Expenses
incurred
by the
Collector.

8. Any expenses incurred by the Collector in the exercise or discharge of any powers, duties or functions under this Act or the rules made thereunder, in respect of any evacuee property shall be the first charge on the receipts derived from such property, and any such expenses may be recouped by the Collector out of such receipts.

Mainten-
ance of
accounts
and
payments
to the
evacuee
or his
successor.

9. (1) The Collector shall, in the prescribed manner, maintain an account of the receipts derived from and the payments made in respect of every evacuee property, while a Collector's Order is in force in respect of such property.

¹These words were substituted with retrospective effect for the words and figures "refer the case to the Minority Commission constituted under Notification No. 2276OR/OR-481/50, dated the 6th May, 1950, for advice" by sec. 2 of the West Bengal Evacuee Property (Amendment) Act, 1952 (West Ben. Act XVIII of 1952.)

V of 1951.]

(Sections 10—12.)

(2) Upon the cancellation of a Collector's Order under section 5 or upon a Collector's Order standing cancelled under sub-section (4) of section 17, the Collector shall pay to the evacuee in respect of whose evacuee property the Collector's Order was made or his successors in interest, as the case may be, the balance which remains after deducting the payments made in respect of such property from the receipts derived from such property.

10. The Collector may, by general or special order, delegate all or any of his powers, duties or functions under this Act or the rules made thereunder to such officer of the State Government as he thinks fit.

Delegation
of powers
by the
Collector.

11. (1) The State Government shall, by notification in the *Official Gazette*, constitute an Evacuee Property Management Committee for West Bengal.

Constitu-
tion of the
Commit-
tee.

(2) The Committee shall consist of a President and three other members.

(3) The President shall be an officer of the State Government appointed in this behalf by the State Government from time to time, and the other members shall be appointed by the State Government from among the members of the Minority Community.

(4) The Committee shall be a body corporate by the name of the Evacuee Property Management Committee of West Bengal and shall have perpetual succession and a common seal and shall by the said name sue and be sued.

12. (1) A member of the Committee, other than the President, may, by writing under his hand, delivered to the prescribed officer of the State Government, resign his office after giving one month's notice of his intention to resign.

Resigna-
tion and
removal of
members
and filling
up of
vacancies.

(2) The State Government may at any time remove any member of the Committee on any of the following grounds, namely :—

(a) that he has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude ;

(b) that he has applied to be adjudged or has been adjudged an insolvent ;

(c) that he, in the opinion of the State Government, is incompetent, or incapable of or unfit to perform the duties of his office on account of physical or mental infirmity ;

(d) that he, in the opinion of the State Government, has been mismanaging the properties of which the Committee has taken charge.

[West Ben. Act

(Sections 13—16.)

(3) In the event of vacancy occurring in the office of any member of the Committee, other than the President, by death, resignation, removal or otherwise, the State Government shall fill up the vacancy in the manner provided in sub-section (3) of section 11.

Conduct
of business
of the
Committee.

13. The Committee may, with the approval of the State Government, make regulations for conducting its business and may act notwithstanding any vacancy in the office of any member other than that of the President :

Provided that the quorum for a meeting of the Committee shall be two members, one of whom shall be the President.

Officers of
the Commi-
tee.

14. (1) In the exercise or discharge of its powers, duties and functions, the Committee may be assisted by such number of officers (hereinafter referred to as Administrative Officers) as may be appointed by the Committee with the approval of the State Government and by such other staff as may be appointed by the Committee.

(2) An Administrative Officer shall, on appointment, furnish such security as may be fixed by the State Government.

Allow-
ances of
President
and
members
and
remunera-
tion of
officers.

15. (1) The members of the Committee shall not be entitled to any salary but may receive such allowances as may be fixed by the State Government.

(2) The remuneration of the Administrative Officers and of other staff shall be such as may be fixed by the State Government.

Expenses
incurred
by the
Committee.

16. (1) The salary and allowances of the President, the allowances of other members of the Committee, the remuneration of the Administrative Officers and other staff and such other expenses as may be incurred by the Committee in the exercise or discharge of any of its powers, duties and functions under this Act or the rules made thereunder in respect of any evacuee property, shall be defrayed out of levy at such rate, as may be prescribed, on the receipts derived from such property and shall, subject to the provisions of section 8, be a first charge on such receipts.

(2) The State Government may from time to time make such advances to the Committee as may be necessary to enable it to function. All such advances shall be recoverable with interest at three *per centum per annum* from the receipts derived from the properties which may vest in the Committee and shall subject to sub-section (1) be a charge on every and all such properties and shall have priority over all other charges on every and all such properties.

V of 1951.]

(Sections 17, 18.)

17. (1) The Committee may take charge of any evacuee property of an evacuee in the following cases :—

Manage-
ment by
the Commi-
tee.

(a) where a report is received from the Collector under sub-section (2) of section 4, or

(b) where before the appointed day the evacuee makes a declaration before the prescribed authority of his intention not to return to West Bengal, or

(c) where after the appointed day the evacuee has not returned to West Bengal, whether there is or is not a declaration by the evacuee of his intention not to return or whether there is or is not an application to the Committee to take charge of his property

(2) Before taking charge of an evacuee property, the Committee shall cause a public notice to be given in the prescribed manner calling for objections to the taking of charge of such property by the Committee to be filed before the Committee within a date specified in such notice.

(3) Where objections are filed under sub-section (2), the Committee shall summarily decide the objections after calling, if necessary, for a report from the Collector of the district in which the property or any part thereof is situated.

(4) If there are no such objections as aforesaid or if the Committee, after proceeding in the manner aforesaid, rejects all such objections, the Committee shall pass an order directing that the charge of the property be taken by the Committee and thereupon such property shall vest in the Committee and any Collector's Order made in respect of such property shall stand cancelled.

(5) Where any evacuee property vests in the Committee under sub-section (4), the Committee shall, as soon as may be, give public notice of the fact in the prescribed manner.

(6) Notwithstanding anything contained in the foregoing provisions of this section, the Committee shall not take charge of any evacuee property if the evacuee being the sole owner or the entire body of co-sharer owners of such property, objects to the charge thereof being taken by the Committee and furnishes evidence to the satisfaction of the Committee that adequate arrangements have been made for the management and proper utilization thereof.

(7) Nothing in this section shall affect the right of any person to establish his title in a competent Court.

18. (1) An evacuee, whose property has vested in the Committee, may nevertheless at any time dispose of such property by sale, exchange, gift, mortgage (not being an usufructuary mortgage) or otherwise but not by way of lease.

Power of
evacuee to
dispose of
property.

[West Ben. Act

(Sections 19, 21.)

(2) Upon such disposition as aforesaid, the evacuee shall intimate the Committee thereof and the Committee shall, as soon as may be, cause a public notice to be given in the prescribed manner.

(3) A disposition as aforesaid shall, subject to the provisions of sub-section (3) of section 21, take effect on and from the date of the publication of the notice referred to in sub-section (2) and on and from that date the evacuee property shall cease to vest in the Committee and the Committee shall be absolved of all further responsibility in respect thereof.

Power,
rights and
liabilities
of the
committee.

19. (1) Subject to the provisions of this Act, the Committee shall have all the rights, powers and liabilities of an owner in respect of any evacuee property of an evacuee vested in it.

(2) The Committee shall take such measures as may be necessary for the good management and protection of any evacuee property of an evacuee vested in it, for the assertion of title thereto and for obtaining possession thereof and may for such purposes do all acts and incur all expenses which are necessary or incidental.

(3)(i) The Committee shall maintain, in the prescribed form, accounts of all evacuee property vested in it, a separate account being maintained in respect of each evacuee or where the property of a body of co-sharer evacuees are managed jointly, in respect of each such body of co-sharer evacuees.

(ii) The State Government shall cause such accounts to be audited at such intervals and by such person as may be prescribed. The cost of such audit shall be paid by the Committee according to the prescribed scale.

(iii) A copy of the audited accounts as aforesaid of the evacuee property shall be supplied to the evacuee or the body of co-sharer evacuees by the Committee on application and the audited accounts shall also be available in the prescribed manner for inspection by the evacuee or any co-sharer evacuee or any agent of the evacuee or a co-sharer evacuee authorised in writing.

(4) The Committee shall pay to an evacuee in such manner and at such intervals as may be prescribed, the receipts derived from his property vested in the Committee, after deducting therefrom all sums debitable to such receipts.

Certain
payments
not to be
valid
discharge.

20. No payment made, after publication of a notice under sub-section (5) of section 17, on account of any amount due to the evacuee in respect of his property vested in the Committee save and except the Committee or some person appointed by the Committee, shall constitute a valid discharge of any liability in respect thereof.

Restric-
tions on
transfer
by Com-
mittee.

21. (1) Save and except as provided in sub-section (2), the Committee shall not be entitled to transfer any evacuee property vested in it, except with the written consent of the evacuee.

V of 1951.]

(Section 22.)

(2) The Committee may lease or let out any evacuee property vested in it or part thereof for a period, not exceeding ¹three months in the case of evacuee property situated in an urban area and not exceeding ¹twelve months in the case of other evacuee property, at any one time :

Provided that in leasing or letting out the evacuee property, the Committee shall give on each occasion the first preference to the person to whom any allotment of such property or a part thereof was made by the Collector under the West Bengal Evacuee Property Ordinance, 1951, except where the Collector reports to the Committee that such person committed a breach of the terms and conditions of such allotment, or where such property consists of land used for or in connection with agricultural purposes, neglected to cultivate such property properly.

(3) A lease or letting out as aforesaid shall be binding on the evacuee and his successors in interest but only for the period for which the evacuee property is leased or let out.

(4) Notwithstanding anything contained in any other law for the time being in force, nothing in this section shall confer a right of occupancy on any person to whom any evacuee property is leased or let out by the Committee.

(5) If the person to whom any evacuee property is leased or let under sub-section (2) holds over after the expiry of the period of lease or letting out, such person shall be liable to be evicted without notice.

22. (1) An evacuee may at any time after he returns to West Bengal but not later than the appointed day apply in writing to the Committee for the restoration of any of his evacuee property of which the Committee has taken charge.

Restoration of property to evacuee.

(2) As soon as may be after such application is received, the Committee shall cause a public notice to be given in the prescribed manner that such property shall be restored to the applicant if no objections to his title are received within a date specified in such notice.

(3) If no objections as aforesaid are received within the date specified in such notice, the Committee shall make an order that the evacuee property be restored to the applicant.

(4) If any objections as aforesaid are received within the date specified in such notice, the Committee shall summarily decide such objections after calling, if necessary, for a report from the

¹On sec. 2 of the West Bengal Evacuee Property (Amendment) Act, 1954 (West Ben. Act XXX of 1954), being brought into force, for the words "three months" the words "five years" and for the words "twelve months" the words "ten years" shall be respectively substituted, *vide* clauses (a) and (b) of section 2 of West Ben. Act XXX of 1954.

[West-Ben. Act

(Sections 23, 24.)

Collector of the district in which the property or any part thereof is situated. If the Committee, after proceeding in the manner aforesaid, rejects such objections, the Committee shall make an order that the evacuee property be restored to the applicant.

(5) Upon an order under sub-section (3) or sub-section (4) being made, the evacuee property shall cease to vest in the Committee and shall, subject to sub-section (3) of section 21, vest in the applicant and the Committee shall, subject to sub-section (6), be absolved of all further responsibility in respect of the evacuee property.

(6) The Committee shall, as soon as may be, give public notice in the prescribed manner of any order made under sub-section (3) or sub-section (4).

(7) Nothing in this section shall affect the right of any person to establish his title in a competent Court.

Possession
to be
delivered
by force, if
necessary.

23. (1) If any evacuee property, the charge of which is taken by the Committee or in respect of which an order under sub-section (3) or sub-section (4) of section 22 has been made, is found to be in the wrongful use or occupation of any person, the Collector shall, on application made to him by the Committee or the evacuee, as the case may be, cause the possession of such property to be delivered to the Committee or to the evacuee, as the case may be, and may use or cause to be used such force as may be necessary for the purpose.

(2) Any person in the wrongful use or occupation of such property shall, in addition to being proceeded against under sub-section (1), be liable to pay to the Committee or the evacuee, as the case may be, damages for such wrongful use or occupation.

Restora-
tion of
manage-
ment of
property
to a certain
class of
returning
evacuees.

24. (1) An evacuee who returns to West Bengal after the appointed day but not later than the 31st day of December, 1953, may apply in writing to the Committee for restoration of management of his evacuee property of which the Committee has taken charge.

(2) As soon as may be after such application is received, the Committee shall cause a public notice to be given in the prescribed manner that the management of such property shall be restored to the applicant if no objections to his title are received within a date specified in such notice.

(3) If no objections as aforesaid are received within the date specified in such notice, the Committee shall make an order that the management of the evacuee property be restored to the applicant.

V of 1951.]

(Sections 25, 26.)

(4) If any objections as aforesaid are received within the date specified in such notice, the Committee shall summarily decide such objections after calling, if necessary, for a report from the Collector of the district in which the property or any part thereof is situated. If the Committee, after proceeding in the manner aforesaid, rejects such objections, the Committee shall make an order that the management of the evacuee property be restored to the applicant.

(5) An order for restoration of management of an evacuee property under sub-section (3) or sub-section (4) shall be made with as much expedition as possible and in any case within six months from the date of the application under sub-section (1).

(6) (a) Upon an order under sub-section (3) or sub-section (4) being made, the management of the evacuee property shall vest in the evacuee.

(b) Upon the vesting of the management of the evacuee property in him, the evacuee shall have all the rights, powers and liabilities of an owner in respect of the evacuee property, and the Committee shall subject to sub-section (7) be absolved of all further responsibility in respect of such property and sub-sections (2) and (3) of section 18, section 19, section 20 and section 21 shall cease to apply in respect of the evacuee property.

(7) The Committee shall, as soon as may be, give public notice in the prescribed manner of any order made under sub-section (3) or sub-section (4).

(8) Nothing in this section shall affect the right of any person to establish his title in a competent Court.

25. (1) The State Government may delegate all or any of its powers, duties and functions under this Act or the rules made thereunder to the Board of Revenue or to the Commissioner of a Division.

Delegation of powers, duties and functions.

(2) The Committee may delegate all or any of its powers, duties and functions under this Act or the rules made thereunder to an Administrative Officer to be performed or exercised within his jurisdiction.

26. (1) All Administrative Officers shall be under the supervision and control of the Committee and the Committee may, on its own motion or on application, review, rescind or vary any order of an Administrative Officer.

Control of Administrative Officer.

(2) The Collector or such other officer as may be authorised by the State Government in this behalf shall have power to inspect the work of any Administrative Officer and the staff subordinate to him and examine any records, books of accounts or other documents maintained by the Administrative Officer.

[West Ben. Act

(Sections 27, 33.)

Act XLV
of 1860.

27. The President, other members of the Committee, every Administrative Officer and every other person duly appointed under this Act or the rules made thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

President,
members
and officers
to be
public
servants.

28. All sums payable to the Collector or the State Government ¹[or the Committee] under this Act shall, without prejudice to any other mode of recovery, be recoverable as arrears of public demand.

Sums
payable
under this
Act
recoverable
as public
demand.

29. Save and except as expressly provided in this Act, no order of the State Government or of the Collector, or of the Committee or of an Administrative Officer, made or purported to be made under this Act or the rules made thereunder, shall be questioned in any Court.

Bar of
jurisdic-
tion.

30. (1) No suit or other legal proceeding shall lie against the State Government or any servant of the State Government for anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

Protec-
tion and
indemnity.

(2) No suit, prosecution or other legal proceeding shall lie against the Committee or any person for anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

(3) No suit, prosecution or other legal proceeding shall lie against the State Government or any servant of the State Government for anything which, before the commencement of this Act, was in good faith done or intended to be done for the protection, preservation or management of any property of an evacuee.

West Ben.
Act XVIII
of 1949.

31. The West Bengal Evacuee (Administration of Property) Act, 1949, is hereby repealed.

Repeal of
West
Bengal Act
XVIII of
1949.

32. The provisions of this Act shall have effect notwithstanding anything to the contrary in any other law.

This Act
to over-
ride other
law.

West Ben.
Ord. II of
1951.

33. (1) Any ²rule, order, or appointment made, any notification issued, any proceedings commenced, any action taken, or anything done under any provision of the West Bengal Evacuee Property Ordinance, 1951, shall, on the said Ordinance ceasing to operate, be deemed to have been made, issued, commenced, taken or done under the corresponding provisions of this Act as if this Act had commenced on the 6th day of February, 1951.

Savings
and
validation.

¹These words were inserted by sec. 3 of the West Bengal Evacuee Property (Amendment) Act, 1954 (West Ben. Act XXX of 1954).

²See foot-note 1 on page 189, *post*.

V of 1951.]

(Section 34.)

(2) Any allotment of an evacuee property made or purported to have been made before the commencement of the West Bengal Evacuee Property Ordinance, 1951, by the Collector which could have been validly made if the said Ordinance had been in force when such allotment was made or purported to have been made, shall if confirmed by the Collector in writing on or before the 31st day of March, 1951, be deemed to have been duly made under the said Ordinance.

West Ben.
Ord. II
of 1951.

Power to
make
rules.

34. (1) The State Government may make rules¹ for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely :—

- (a) the manner in which the accounts referred to in sub-section (1) of section 9 shall be maintained ;
- (b) the officer to whom the writing referred to in sub-section (1) of section 12 shall be delivered ;
- (c) the rate of the levy referred to in sub-section (1) of section 16 ;
- (d) the manner in which a public notice shall be given under sub-section (2) or sub-section (5) of section 17, sub-section (2) of section 18, sub-section (2) or sub-section (6) of section 22, or sub-section (2) or sub-section (7) of section 24 ;
- (e) the form in which accounts referred to in clause (i) of sub-section (3) of section 19 shall be maintained, the intervals at which and the persons by whom, such accounts shall be audited under clause (ii) of that sub-section and the scale referred to in that clause ;
- (f) the manner in which audited accounts shall be available for inspection under clause (iii) of sub-section (3) of section 19 ;
- (g) the manner in which and the intervals at which payments under sub-section (4) of section 19 shall be made ;
- (h) any other matter required to be prescribed under this Act.

¹For rules made in exercise of the power conferred by section 34 of the West Bengal Evacuee Property Ordinance, 1951 (West Ben. Ord. II of 1951), see notification No. 2666L. Ref., dated the 5th March, 1955, of the Land and Land Revenue Department, published in the *Calcutta Gazette, Extraordinary*, dated the 8th March, 1951, Pt. I page 554 ; for the amendment of the said rules made in exercise of section 34 read with section 33 of this Act, see Notification No. 9826L. Ref., dated the 11th June, 1952, of the Land and Land Revenue Department, published in the *Calcutta Gazette, Extraordinary*, dated the 12th June, 1952, Pt. I, page 1053.

West Bengal Act VIII of 1951¹

THE WEST BENGAL REQUISITIONED LAND (CONTINUANCE OF POWERS) ACT, 1951.

AMENDED

{ West Ben. Act X of 1954.
West Ben. Act XXXVI of 1954.
West Ben. Act X of 1957.
West Ben. Act I of 1960.
West Ben. Act XXVIII of 1962.

[29th March, 1951.]

*An Act to provide for the continuance of certain emergency powers
in relation to requisitioned land.*

XXXV of
1939.

Ord. XIX
of 1946.
XVII of
1947.

WHEREAS it is expedient to provide, in relation to land which,
when the Defence of India Act, 1939², expired, was subject to
any requisition effected under rules made under that Act, for the
continuance of certain powers theretofore exercisable under the
said Act or the said rules and thereafter exercisable under the
Requisitioned Land (Continuance of Powers) Ordinance, 1946,
or the Requisitioned Land (Continuance of Powers) Act, 1947 ;

It is hereby enacted as follows :—

Page 141—

(1) This Act may be called the West Bengal Requisitioned Land (Continuance of Powers) Act, 1951. Short title, extent.

2. In sub-section (3) of section 1 of the West Bengal Requisitioned Land (Continuance of Powers) Act, 1951 (hereinafter referred to as the said Act), for the words "thirty years" the words "thirty-one years" shall be substituted.

2. In sub-section (3) of section 1 of the West Bengal Requisitioned Land (Continuance of Powers) Act, 1951 (hereinafter referred to as the principal Act), for the words "thirty years" the words "thirty-one years" shall be substituted.

Amend-
ment of
section 1
of West
Ben. Act
VIII of
1951.

2. In sub-section (3) of section 1 of the West Bengal Requisitioned Land (Continuance of Powers) Act, 1951 (hereinafter referred to as the principal Act), for the words "thirty-one years", the words "thirty-two years" shall be substituted.

142 *The West Bengal Requisitioned Land (Continuance of Powers) Act, 1951.*

[West Ben. Act

(Sections 3, 4.)

Ord. XIX
of 1946.

(2) "the Ordinance" means the Requisitioned Land (Continuance of Powers) Ordinance, 1946 ;

¹(2a) "public purpose" does not include a purpose of the Union ;

XXXV of
1989.

(3) "requisitioned land" means immovable property which, at the commencement of this Act, is subject to any requisition effected under the rules made under the Defence of India Act, 1939², and continued under the Ordinance and the Act and he is held under requisition ³[for any public purpose].

3. Notwithstanding the expiration of the Defence of India Act, 1939,² and the rules made thereunder and the repeal of the Ordinance and the expiration of the period of operation of the Act in respect of requisitioned lands, all requisitioned lands shall continue to be subject to requisition until the expiry of this Act ⁴[and the State Government may use or deal with any requisitioned land for such public purpose and in such manner as may appear to it to be expedient] :

Continu-
ance of
requisi-
tions.

Provided that the State Government may at any time release from requisition any requisitioned land.

⁵4. (1) When any requisitioned land is to be released from requisition, the State Government shall, after such inquiry as it deems necessary to make or to cause to be made, specify by order in writing the person to whom delivery of possession of the land shall be made.

Release
from
requisition.

(2) The delivery of possession of such land to the person specified in the order made under sub-section (1) shall be a full discharge of the State Government from all liability of the State Government for any claim for compensation or other claim in respect of such land for any period after the date of delivery but shall not prejudice any right in respect of such land which any other person may be entitled by due process of law to enforce against the person to whom possession of the land is so delivered.

(3) Where the person specified in the order made under sub-section (1) cannot be found or is not readily traceable or has no agent or other person empowered to accept delivery on his

¹This clause was inserted by sec. 3(1) of the West Bengal Requisitioned Land (Continuance of Powers) (Amendment) Act, 1954 (West Ben. Act X of 1954).

²See foot-note 2 on page 141, *ante*.

³These words were substituted for the words "for any purpose other than the purposes of the Union" by sec. 3(8) of the West Bengal Requisitioned Land (Continuance of Powers) (Amendment) Act, 1954 (West Ben. Act X of 1954).

⁴These words were substituted for the words "and the State Government may use or deal with any requisitioned land in such manner as may appear to it to be expedient" by sec. 4, *ibid*.

⁵This section was substituted for the original section by sec. 5, *ibid*.

VIII of 1951.]

(Section 5.)

behalf, the State Government shall publish in the *Official Gazette* a notice declaring that such land is released from requisition and shall cause a copy thereof to be affixed on some conspicuous part of such land.

(4) When a notice referred to in sub-section (3) is published in the *Official Gazette*, the land specified in such notice shall cease to be subject to requisition on and from the date of such publication and shall be deemed to have been delivered to the person specified in the order made under sub-section (1); and the State Government shall not be liable for any compensation or other claim in respect of such land for any period after the said date.

5. (1) Subject to the provisions of sub-section (3), the State Government may, at any time when any requisitioned land continues to be subject to requisition under section 3, ¹[acquire such land for a public purpose] by publishing in the *Official Gazette* a notice to the effect that such Government has ²[decided so to acquire] such land in pursuance of this section :

Power to
acquire
requisitioned
land

³Provided that before issuing such notice, the State Government shall call upon the owner of, or any person who, in the opinion of the State Government, may be interested in, such land to show cause why the land should not be so acquired; and after considering the cause, if any, shown and after giving the parties an opportunity of being heard, the State Government may pass such orders as it deems fit.

(2) When a notice as aforesaid is published in the *Official Gazette*, the requisitioned land shall, on and from the beginning of the day on which the notice is so published, vest absolutely in the State Government free from all encumbrances and the period of requisition of such land shall end.

(3) No requisitioned land shall be acquired under this section except in the following circumstances, namely :—

(a) where any works have during the period of requisition been constructed on, in or over the land wholly or partly at the expense of Government and the State Government decides that the value of, or the right to use, such works should be preserved or secured for the purposes of the State Government; or

(b) where the cost of restoring the land to its condition at the time of its requisition would, in the determination of the State Government, be excessive having regard

¹These words were substituted for the words "acquire such land" by sec. 6(1) (a) of the West Bengal Requisitioned Land (Continuance of Powers) (Amendment) Act 1954 (West Ben. Act X of 1954).

²These words were substituted for the words "decided to acquire" by sec. 6(1)(b), *ibid.*

³This proviso was added by sec. 6(2), *ibid.*

[West Ben. Act

(Section 6.)

to the value of the land at that time ¹[and the owner declines to accept release from requisition of the land without payment of compensation for so restoring the land].

(4) Any decision or determination of the State Government under sub-section (3) shall be final, and shall not be called in question in any Court.

(5) For the purposes of clause (a) of sub-section (3) "works" includes buildings, structures and improvements of every description.

Payment
of compen-
sation.

6. (1) ²[(i)] In respect of the continued subjection ³[of any requisitioned land], compensation shall be determined and paid in accordance with the provisions of section 19 of the Defence of India Act, 1939,⁴ and of the rules made thereunder :

XXXV of
1939 .

Provided that all agreements and awards under the said section in respect of the payment of compensation for the period of requisition before first day of April, 1951 shall continue to be in force and shall apply to the payment of compensation for the period of requisition after that date.

²(ii) Any immovable property which was 'subject to any requisition effected under the rules made under the Defence of India Act, 1939,⁴ but which was released from requisition at any time prior to the commencement of this Act shall, for the purpose of determination and payment of compensation for such requisition, be deemed to be requisitioned land within the meaning of this Act and any proceedings taken for determination and payment of compensation in respect of any such property shall be deemed to have been validly taken as if this Act had come into force on the date when such proceedings were taken.

¹These words were added by section 6(3) of the West Bengal Requisitioned Land (Continuance of Powers) (Amendment) Act, 1954 (West Ben. Act X of 1954).

²Sub-section (1) was re-numbered as clause (i) of that sub-section and after that clause, clause (ii) was added by sec. 2(a) of the West Bengal Requisitioned Land (Continuance of Powers) (Second Amendment) Act, 1954 (West Ben. Act XXXVI of 1954).

³These words were substituted for the words "of requisitioned land to requisition under this Act or the Act or the Ordinance," by section 7(1) of the West Bengal Requisitioned Land (Continuance of Powers) (Amendment) Act, 1954 (West Ben. Act X of 1954).

⁴See foot-note 2 on page 141, *ante*.

The West Bengal Requisitioned Land (Continuance of Powers) Act, 1951. 145

VIII of 1951.]

(Section 7.)

of the acquisition under this Act of any compensation payable shall
 clause (i) of sub-section (2) of section 6, substitute the
 clause, namely:—

"(i) In the case of the acquisition under this Act of any requisitioned land, the amount of compensation payable shall be the price which the requisitioned land would have fetched in the open market, if it had remained in the same condition as it was at the time of requisitioning and had been sold on the date of acquisition."

(Substituted by West Ben. Act IV of 1969, section 3.)

[No. 6, dated the 1st May, 1970.] Having been requisitioned under the Defence of India Act, 1939, shall, for the purpose of determination and payment of compensation for such acquisition, be deemed to have been acquired under section 5 of this Act and any proceedings taken at any time prior to the commencement of this Act for determination and payment of compensation in respect of any such property shall be deemed to have been validly taken as if this Act had come into force on the date when such proceedings were taken.

XXXV of 1939.

See - see (4) of Sec 6 of the Principal Act, for the words "five years" the words "seven years" shall be substituted.

In sub-section (4) of Sec 6 of the Principal Act, for the words "five years" the words "seven years" shall be substituted.

Amendment of section 6.

3. In sub-section (4) of section 6 of the principal Act, for the words "six years", the words "seven years" shall be substituted.

This sub-section was substituted for 7(2) of the West Bengal Requisitioned Land (Continuance of Powers) (Amendment) Act, 1954 (West Ben. Act X of 1954).

Sub-section (2) was re-numbered as clause (i) of that sub-section and after that clause, clause (ii) was added by section 2(b) of the West Bengal Requisitioned Land (Continuance of Powers) (Second Amendment) Act, 1954 (West Ben. Act XXXVI of 1954).

* See foot-note 2 on page 141, ante.

[West Ben. Act VIII of 1951.]

(Sections 8—10.)

Delegation
of func-
tions.

8. The State Government may, by order 'notified in the *Official Gazette*, direct that any power conferred or any duty imposed on it by this Act shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer as may be so specified.

Protection
of action
taken
under the
Act.

9. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

(2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

Savings.

10. On and from the first day of April, 1951, anything done or deemed to have been done in exercise of any power conferred by or under the Act shall be deemed to have been done in exercise of powers conferred by or under this Act, as if this Act had been in force when such thing was done.¹

¹For notification relating to delegation of powers conferred on the State Government by sections 3, 4, 5 and 7 of the Act to certain specified Officers of this State Government, see notification No. 15330 Reqn., dated 16.11.51, published in the *Calcutta Gazette*, of 1951, Part I, page 8106, as subsequently amended from time to time.

Modified upto 10.9.82

West Bengal Act IX of 1951¹

THE WEST BENGAL CONSOLIDATED FUND (CHARGED EXPENDITURE) ACT, 1951.

[31st March, 1951.]

An Act to declare certain expenditure to be expenditure charged upon the Consolidated Fund of the State.

WHEREAS it is expedient to declare the contributions payable under certain enactments, and the grants to be made to certain local authorities by the State Government to be expenditure charged upon the Consolidated Fund of the State ;

It is hereby enacted as follows :—

1. (1) This Act may be called the West Bengal Consolidated Fund (Charged Expenditure) Act, 1951.

Short title
and com-
mence-
ment.

(2) It shall be deemed to have come into force on the first day of April, 1950.

2. The contribution payable by the State Government under each enactment specified in the first column of the First Schedule to this Act, or so much of such contribution as is specified in the corresponding entry in the third column of the said Schedule, is hereby declared to be expenditure charged upon the Consolidated Fund of the State.

Certain
contribu-
tions to be
charged.

3. (1) In respect of each enactment specified in the Second Schedule to this Act, the State Government shall, in such manner, and by such date as it may determine, make in each year from the Consolidated Fund of the State, a grant approximately equal, in the opinion of the State Government, to the net sum which, by virtue of the provisions of clause (1) of article 266 of the Constitution of India, is paid in that year to the Consolidated Fund of the State under that enactment.

Certain
grants to
be made
and
charged.

(2) All grants payable under the provisions of sub-section (1) are hereby declared to be expenditure charged upon the Consolidated Fund of the State.

(3) The State Government may, by notification in the *Official Gazette*, include in, or exclude from, the Second Schedule any appropriate enactment.

(4) The reference in sub-section (1) to the Second Schedule shall be construed as a reference to such Schedule as for the time being amended under sub-section (3).

¹For the Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 14th February, 1951, Part IV, page 199, for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the West Bengal Legislative Assembly, held on the 21st March, 1951.

[West Ben. Act

(*The First and the Second Schedules.*)

THE FIRST SCHEDULE.

(See section 2.)

Short title. 1	Section. 2	Contribution payable. 3	
<i>Bengal Acts.</i>			
The Howrah Bridge Act, 1926 . .	11	The whole.	Ben. Act IV of 1926.
The Bengal Motor Vehicles Tax Act, 1932.	10	The whole.	Ben. Act I of 1932.
¹ The Albert Victor Leper Hospital Act, 1935.	7	The whole.	Ben. Act IX of 1935.

THE SECOND SCHEDULE.

(See section 3.)

Central Acts.

The Howrah Offences Act, 1857.	XXI of 1857.
The Cattle-trespass Act, 1871.	I of 1871.
The Bengal Tenancy Act, 1885.	VIII of 1885.
<i>Bengal Acts.</i>	
The Cess Act, 1880.	Ben. Act IX of 1880.
The Bengal Ferries Act, 1885.	Ben. Act I of 1885.
The Bengal Local Self-Government Act of 1885.	Ben. Act III of 1885.
The Calcutta Hackney Carriage Act, 1919.	Ben. Act I of 1919.
The Bengal Village Self-Government Act, 1919.	Ben. Act V of 1919.
The Bengal Food Adulteration Act, 1919.	Ben. Act VI of 1919.

¹The Albert Victor Leper Hospital Act, 1935 (Ben. Act IX of 1935) was repealed by section 7 of the Albert Victor Leper Hospital (Abolition) Act, 1956 (West Ben. Act XV of 1956).

IX of 1951.]

(The Second Schedule.)

¹The Calcutta Municipal Act, 1923.

Ben. Act
III of
1923.

The Bengal (Rural) Primary Education Act, 1930.

Ben. Act
VII of
1930.

The Bengal Municipal Act, 1932

Ben. Act
XV of
1932.

¹The Calcutta Municipal Act, 1923 (Ben. Act III of 1923) was repealed and re-enacted by section 2 of the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951).

West Bengal Act X of 1951¹

THE WEST BENGAL APPROPRIATION ACT, 1951.

[31st March, 1951.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of West Bengal to the service of the year ending on the thirty-first day of March, 1952.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of West Bengal to the service of the year ending on the thirty-first day of March, 1952 ;

It is hereby enacted as follows :—

1. This Act may be called the West Bengal Appropriation Act, 1951. Short title.

2. From and out of the Consolidated Fund of West Bengal there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Rupees sixty-four crores sixty-nine lakhs and ninety-one thousand towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1952, in respect of the services specified in column 2 of the Schedule. Issue of
Rs. 64, 69,
91,000 out
of the
Consoli-
dated
Fund of
West
Bengal
for the
year 1951-
52.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1952. Appro-
priation.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 21st March, 1951, Part IV, page 597 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the West Bengal Legislative Assembly, held on the 21st March, 1951.

(Schedule.)

[West Ben. Act

SCHEDULE.

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
1	4—Taxes on Income other than Corporation Tax.	3,53,000	...	3,53,000
2	7—Land Revenue	49,42,000	...	49,42,000
3	8—State Excise Duties	38,08,000	...	38,08,000
4	9—Stamps	6,83,000	...	6,88,000
5	10—Forest	55,63,000	...	55,63,000
6	11—Registration	16,29,000	...	16,29,000
7	12—Charges on account of Motor Vehicles Acts.	...	4,50,000	4,50,000
8	13—Other Taxes and Duties	14,88,000	...	14,88,000
9	C—Revenue Account of Irrigation, Navigation, Embankment and Drainage Works. 17—Interest on works for which Capital Accounts are kept.	...	11,86,000	11,86,000
10	XVII—Irrigation—Working expenses 18—Other Revenue expenditure financed from Ordinary Revenues.	10,04,86,000	16,11,000	10,20,47,000
	18(1)—Other Revenue expenditure financed from Famine Insurance Fund.			
	CC—Capital Account of Irrigation, Navigation, Embankment and Drainage Works not charged to Revenue.			
	68—Construction of Irrigation, Navigation, Embankment and Drainage Works.			
	H—Civil Works and Miscellaneous Public Improvements.			
	51A—Interest on Capital Outlay on Multipurpose River Schemes.			
	HH—Capital Account of Civil Works and Miscellaneous Public Improvements outside the Revenue Account.			
	80A—Capital Outlay on Multipurpose River Schemes outside the Revenue Account.			

(Schedule.)

X of 1951.]

Grant No.	1	2	3		
			Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Con- solidated Fund.	Total.
			Rs.	Rs.	Rs.
		E—Debt Services.			
11	22—Interest on Debt and other obligations.		1,000	9,11,000	9,12,000
		F—Civil Administration.			
12	25—General Administration—General Administration.		2,62,86,000	8,07,000	2,70,93,000
13	25—General Administration—Debt Conciliation.		...	...	...
14	27—Administration of Justice	...	72,90,000	27,40,000	1,00,30,000
15	28—Jails and Convict Settlements	...	1,03,81,000	...	1,03,81,000
16	29—Police	... ..	5,46,34,000	...	5,46,34,000
17	30—Ports and Pilotage	... ..	8,89,000	...	8,89,000
18	36—Scientific Departments	...	97,000	...	97,000
19	37—Education	... ..	3,47,25,000	...	3,47,25,000
20	38—Medical	... ..	8,38,85,000	60,000	8,39,45,000
21	39—Public Health	... ..	1,09,19,000	...	1,09,19,000
22	40—Agriculture	... ..	2,42,62,000	...	2,42,62,000
	71—Capital Outlay on Schemes of Agricultural Improvement and Research outside the Revenue Account.	... ..		
23	41—Veterinary	... ..	17,92,000	...	17,92,000
24	42—Co-operation	... ..	19,74,000	...	19,74,000

(Schedule .)

[West Ben. Act

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Conso- lidated Fund.	Total.
		Rs.	Rs.	Rs.
25	43—Industries—Industries ...			
	H—Civil Works and Miscellaneous Public Improvements.			
	52A—Other Revenue Expenditure connected with Electricity Schemes.			
	XLI—Receipts from Electricity Schemes—Working expenses.			
	HH—Capital Account of Civil Works and Miscellaneous Public Improvements charged to Revenue.	1,09,12,000	10,000	1,09,22,000
	53—Capital Outlay on Electricity Schemes met out of Revenue.			
	FF—Civil Administration—Capital Account not charged to Revenue.			
	72—Capital Outlay on Industrial Development outside the Revenue Account.			
	81A—Capital Outlay on Electricity Schemes outside the Revenue Account.			
26	43—Industries—Fisheries ...	19,37,000	...	19,37,000
27	43—Industries—Cinchona ...	35,55,000	...	35,55,000
28	47—Miscellaneous Departments ...	24,66,000	...	24,66,000
29	H—Civil Works and Miscellaneous Public Improvements.			
	50—Civil Works ...			
	HH—Civil Works and Miscellaneous Public Improvements not charged to Revenue.	7,07,47,000	10,31,000	7,17,78,000
	81—Capital Account of Civil Works outside the Revenue Account.			
	J—Miscellaneous.			
30	54—Famine ...	29,61,000	...	29,61,000
31	54A—Territorial and Political Pensions	2,00,000	...	2,00,000

X of 1951.]

(Schedule.)

1	2	3		
		Sums not exceeding		
Grant No.	Services and purposes.	Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Ra.	Ra.	Ra.
32	55—Superannuation allowances and pensions			
	JJ—Miscellaneous—Capital Account charged to Revenue.			
	55A—Commutation of pensions financed from Ordinary Revenues.	1,18,19,000	2,11,000	1,20,30,000
	JJ—Miscellaneous—Capital Account not charged to Revenue.			
33	83—Payments of commuted value of pensions.			
	J—Miscellaneous.			
	56—Stationery and Printing ...			
	Deposits and Advances.	40,53,000	...	40,53,000
34	Depreciation Reserve Fund—Government Presses.			
	J—Miscellaneous.			
	57—Miscellaneous—Miscellaneous			
	82—Capital Account of other State Works outside the Revenue Account.	2,77,47,000	26,83,000	3,04,30,000
35	E—Debt Services.			
	22—Interest on Debt and other obligations—Expenditure on displaced persons.			
	J—Miscellaneous.			
	57—Miscellaneous—Expenditure on displaced persons.			
35	JJ—Miscellaneous—Capital Account not charged to Revenue.	10,01,13,000	1,00,000	10,02,13,000
	82—Capital Account of other State Works outside the Revenue Account—Expenditure on displaced persons.			
	Deposits and Advances.			
	Loans and Advances bearing interest—Loans and Advances to displaced persons.			

(Schedule.)

[West Ben Act X of 1951.]

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	M—Extraordinary items.			
86	63—Extraordinary charges in India	8,99,65,000	...	8,99,65,000
87	64C—Pre-partition Payments ...	27,09,000	...	27,09,000
	JJ—Miscellaneous—Capital Account not charged to Revenue.			
88	XLVIA—Receipts from Road Transport Scheme—Working expenses.	1,28,56,000	6,75,000	1,35,31,000
	82B—Capital Outlay on Road Transport Scheme outside the Revenue Account.			
89	85A—Capital Outlay on Schemes of State Trading.	9,58,000	...	9,58,000
	Deposits and Advances.			
40	Interest-free Advances ...	48,69,000	...	48,69,000
41	Loans and Advances bearing interest ...	1,06,07,000	...	1,06,07,000
	Grand Total ...	63,45,16,000	1,24,75,000	64,69,91,000

West Bengal Act XI of 1951¹

THE WEST BENGAL APPROPRIATION (No. 2) ACT, 1951.

[31st March, 1951.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal to the service of the year ending on the thirty-first day of March, 1951.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal to the service of the year ending on the thirty-first day of March, 1951 ;

It is hereby enacted as follows :—

- | | |
|---|--|
| 1. This Act may be called the West Bengal Appropriation (No. 2) Act, 1951. | Short title. |
| 2. From and out of the Consolidated Fund of West Bengal there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Rupees two crores forty lakhs and thirty-six thousand towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1951, in respect of the services specified in column 2 of the Schedule. | Issue of Rs. 2, 40, 86,000 out of the Consolidated Fund of West Bengal for the year 1950-51. |
| 3. The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1951. | Appropriation. |

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 26th March 1951, Part IV, page 635 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the West Bengal Legislative Assembly, held on the 28th March, 1951.

(Schedule.)

[West Ben. Act XI of 1951.]

SCHEDULE.

1	2	3		
		Sums not exceeding		
		Voted by the Legis- lative Assembly.	Charged on the Consoli- dated Fund.	Total.
Grant No.	Services and purposes.	Rs.	Rs.	Rs.
8	8—State Excise Duties	1,92,000	...	1,92,000
4	9—Stamps	87,000	...	87,000
11	22—Interest on Debt and other obligations ...	...	9,92,000	9,92,000
14	27—Administration of Justice	4,45,000	...	4,45,000
15	28—Jails and Convict Settlements	10,77,000	...	10,77,000
19	37—Education	13,80,000	...	13,80,000
26	43—Industries—Fisheries	82,000	...	82,000
29	50—Civil Works	10,05,000	...	10,05,000
	81—Capital account of Civil Works outside the Revenue Account.	29,80,000	...	29,80,000
	Total—Grant No. 29 ...	39,35,000	...	39,35,000
30	54—Famine	5,19,000	...	5,19,000
31	55—Superannuation allowances and pen- sions.	13,23,000	...	13,23,000
	55A—Commutation of pensions financed from Ordinary Revenues.	1,90,000	...	1,90,000
	Total—Grant No. 31 ...	15,13,000	...	15,13,000
32	56—Stationery and Printing	4,11,000	...	4,11,000
33	57—Miscellaneous—Miscellaneous ... ..	...	1,54,000	1,54,000
34	22—Interest on Debt and other obligations— Expenditure on displaced persons ...	...	50,000	50,000
	57—Miscellaneous—Expenditure on dis- placed persons ... ..	...	1,000	1,000
	Total—Grant No. 34 ...	...	51,000	51,000
35	63—Extraordinary charges in India	92,48,000	...	92,48,000
40	Interest-free Advances	14,21,000	...	14,21,000
41	Loans and Advances bearing interest	25,79,000	...	25,79,000
Grand Total ...		2,28,39,000	11,97,000	2,40,36,000

West Bengal Act XIII of 1951¹

THE WEST BENGAL DENTISTS (REPEALING) ACT, 1951.

[19th April, 1951.]

An Act to repeal the Bengal Dentists Act, 1939, and to make certain other consequential provisions.

WHEREAS it is expedient to repeal the Bengal Dentists Act, 1939, and to make certain other consequential provisions ;

Ben. Act
XII of
1939.

It is hereby enacted as follows :—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the West Bengal Dentists (Repealing) Act, 1951.

(2) It extends to the whole of West Bengal.

(3) It shall be deemed to have come into force on the first day of January, 1951.

Defini-
tions.

2. In this Act unless there is anything repugnant in the subject or context,—

(a) “Board” means the Board established under the Bengal Dentists Act, 1939 ;

(b) “State Council” means the West Bengal Dental Council constituted under the Dentists Act, 1948.

XVI of
1948.

Repeal of
Bengal Act
XII of
1939.

3. (1) The Bengal Dentists Act, 1939 is hereby repealed.

(2) All properties vested in the Board immediately before the commencement of this Act, shall, on such commencement, vest in the State Council.

(3) The officers (including clerks but excluding the Registrar) and servants of the Board appointed under section 9 of the Bengal Dentists Act, 1939, and continuing in office immediately before the commencement of this Act shall, on such commencement, be deemed to be officers and servants of the State Council duly appointed under section 28 of the Dentists Act, 1948 on the same salaries and allowances and other conditions of service on which they had been so continuing in office.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 31st January, 1951, Part IV, page 79 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the West Bengal Legislative Assembly, held on the 22nd February, 1951.

West Bengal Act XVIII of 1951

Pages 161-194—

Strike out West Ben. Act XVIII of 1951 and *insert* the following note, namely:—

[Repealed by West Ben. Act II of 1966, sub-section (7) of section 58.]

[No. 4, dated the 1st May, 1970.]

SECTION.

1. Short title and commencement.
2. Definitions.

CHAPTER II.

THE UNIVERSITY AND ITS OFFICERS AND AUTHORITIES.

3. The University.
4. Powers.
5. Disqualification for membership.
6. Inspection.
7. Officers of the University.
8. Chancellor.
9. The Vice-Chancellor.
10. Powers and duties of the Vice-Chancellor.
11. The Treasurer.
12. Powers and duties of the Treasurer.
13. The Registrar.
14. Other officers.
15. Authorities of the University.

CHAPTER III.

THE SENATE.

16. The Senate.
17. Senate to be the supreme Governing Body.
18. Powers and duties of the Senate.
19. Meetings of the Senate.

CHAPTER IV.

THE SYNDICATE AND THE FINANCE COMMITTEE.

20. The Syndicate.
21. Powers of the Syndicate.
22. Annual Report.
23. Annual Accounts.
24. Finance Committee.

CHAPTER V.

THE ACADEMIC COUNCIL, THE FACULTIES, THE BOARDS OF STUDIES AND OTHER AUTHORITIES,

25. The Academic Council.
26. Constitution of the Academic Council.
27. Powers of the Academic Council.

[West Ben. Act XVIII of 1951.]

SECTION.

- 28. The Faculties.
- 29. Deans of Faculties.
- 30. Boards of Studies.
- 31. Board of Health and Board of Residence and Discipline.
- 32. Constitution of other bodies.

CHAPTER VI.**STATUTES, ORDINANCES AND REGULATIONS.**

- 33. Statutes.
- 34. How Statutes to be made.
- 35. Ordinances.
- 36. How Ordinances to be made.
- 37. Regulations.

CHAPTER VII.**ADMISSION AND RESIDENCE OF STUDENTS.**

- 38. Residence and Hostels.
- 39. Colleges and Hostels.
- 40. Admission to the University courses.

CHAPTER VIII.**GENERAL.**

- 41. Filling of casual vacancies.
- 42. Proceedings of the University and bodies not invalidated by vacancies.
- 43. Removal from the membership of the University.
- 44. Disputes as to the constitution of any University Authority.
- 45. Constitution of Committees.
- 46. Selection Committees for appointing University Professor, Reader and Lecturer.
- 47. Conditions of service.
- 48. Arbitration Tribunal.

CHAPTER IX.**UNIVERSITY FUND.**

- 49. Fund of the University.
- 50. Contribution by State Government.

CHAPTER X.**TRANSITORY PROVISIONS.**

- 51. Completion of courses for students in Colleges affiliated to the Calcutta University under the previous Act.
- 52. Appointment of the first Vice-Chancellor and his powers.
- 53. Removal of difficulties.

CHAPTER XI.**MISCELLANEOUS.**

- 54. Passing of properties and rights to the University as constituted under this Act.
- 55. Provident Fund.

West Bengal Act XVIII of 1951

THE CALCUTTA UNIVERSITY ACT, 1951.¹

Amended	West Ben. Act XXIII of 1953.
	West Ben. Act XXIII of 1956.
	West Ben. Act III of 1957.
	West Ben. Act VIII of 1957.
	West Ben. Act VIII of 1961.
	West Ben. Act XVI of 1961.
	² West Ben. Act XXI of 1963.

[29th June, 1951.]

An Act to provide for the reorganisation of the University of Calcutta and for certain matters connected therewith.

WHEREAS it is expedient to reorganise the University of Calcutta so that it may effectively function as a teaching University and continue to exercise due control over the Colleges ; Preamble.

AND WHEREAS it is also expedient to foster the development of academic life and corporate unity in the Colleges by so promoting co-operation among them as to utilise to the full the teaching resources available ;

AND WHEREAS it is also expedient to encourage the co-ordination of resources for higher teaching and research at suitable centres in and outside Calcutta ;

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Calcutta University Act, 1951.

(2) This section shall come into force at once ; the rest of this Act shall come into ^aforce on such date or dates as the State Government may by notification in the *Official Gazette* appoint, and different dates may be appointed for different provisions of this Act.

Short title
and
commence-
ment.

¹For the Statement of Objects and Reasons, see the *Calcutta Gazette*, *Extraordinary*, dated the 17th February, 1951, Part IV, page 223 ; for the Report of the Select Committee, see the *Calcutta Gazette*, *Extraordinary*, dated the 6th April, 1951, Part IV, page 685 ; for Proceedings of the West Bengal Legislative Assembly, see the Proceedings of the meetings of the West Bengal Legislative Assembly held on the 5th March, 1951 and the 3rd, 17th, 18th and 19th April, 1951.

²This Act has not been brought into force yet.

^a(a) Sections 2, 3(1), 7(1) and (2), 8(1) and (2), 52 and 53 of the Act came into force with effect from the 1st August, 1951. *Vide* Notification No. 3645Edn., dated the 31st July, 1951, published in the *Calcutta Gazette*, *Extraordinary*, of the 31st July, 1952, Part I, page 99.

(b) Sections 5, 8(3), 15, 16(1), (2) and (3), 20 (1) and (2), 26(1) and (2), 28, 29, 30 and 44 of the Act came into force with effect from the 22nd October, 1952. *Vide* Notification No. 7101Edn./1U-46/51, dated the 22nd October, 1952, published in the *Calcutta Gazette*, *Extraordinary*, dated the 22nd October, 1952, Part I, pages 1833-1834.

(c) Section 11 of the Act came into force with effect from the 29th January, 1954, *Vide* Notification No. 697Edn./1U-46/51, dated the 21st January, 1954, published in the *Calcutta Gazette*, *Extraordinary*, dated the 29th January, 1954, Part I, page 96.

(For the dates of coming into force of the other sections, see the foot-notes on page 164, *post*.)

[West Ben. Act

(Chapter I.—Preliminary.—Section 2.)

Definitions. 2. In this Act, unless there is anything repugnant in the subject or context,—

- (a) “Affiliated College” means a College affiliated to the University of Calcutta as constituted prior to the appointed day of this Act or affiliated to the University under this Act ;
- (b) “appointed day” means the date referred to in subsection (4) of section 52 ;
- (c) “Constituent College” means a College in which instruction is provided under prescribed conditions for honours as well as for post-graduate courses of study and which is recognised under this Act as a Constituent College :

Provided that if in any professional subject, no honours courses of study have been prescribed, a Professional College may be a Constituent College although no instruction is provided in that College for honours courses of study in that subject ;

- (d) “Hall” means a unit of residence for students, maintained by the University ;
- (e) “Hostel” means a unit of residence for students, not maintained by the University but recognised under this Act as a Hostel ;
- (f) “Minister” means the Minister-in-Charge of the Department of Education of the Government of West Bengal ;
- (g) “prescribed” means prescribed by Statutes or Ordinances, or Regulations ,
- (h) “Principal” means the head of a College by whatever name called ;
- (i) “Professional College” means a College in which instruction is provided only for courses of study leading to any degree of the University in any professional subject and which is recognised as a Professional College under this Act ;

(Continued from page 163, ante.)

(d) Section 7(8) of the Act came into force with effect from the 29th January, 1954. *Vide* Notification No. 831Edn., dated the 2nd February, 1954, published in the *Calcutta Gazette, Extraordinary*, dated the 3rd February, 1954, Part I, page 102.

(e) Section 9(1) of the Act came into force with effect from the 2nd February, 1954. *Vide* Notification No. 819Edn., dated the 2nd February, 1954, published in the *Calcutta Gazette, Extraordinary*, dated the 2nd February, 1954, Part I, page 100.

(f) Section 42 of the Act came into force with effect from the 2nd February, 1954. *Vide* Notification No. 830Edn., dated the 2nd February, 1954, published in the *Calcutta Gazette, Extraordinary*, dated the 2nd February, 1954, Part I, page 101.

(g) Sections 3(2), 4, 6, 7(4) and (5), 8(4), 9(2), 10, 12, 13, 14, 16(4) and (5), 17, 18, 19, 20(3) and (4), 21, 22, 23, 24, 25, 26(3) and (4), 27, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 45, 46, 47, 48, 49, 50, 51, 54 and 55 of the Act came into force with effect from the 12th March, 1954. *Vide* Notification No. 1839Edn., dated the 11th March, 1954, published in the *Calcutta Gazette, Extraordinary*, dated the 11th March, 1954, Part I, pages 307—308.

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**(Chapter II.—The University and its Officers and Authorities.
—Section 3.)**

Explanation.—In this Act “professional subject” means any of the following subjects, namely, law, medicine, engineering, education, technology, agriculture, journalism, commerce or any other subject prescribed by Statutes in this behalf ;

¹(j) “registered graduate” means graduates registered under this Act, or graduates registered under the Indian Universities Act, 1904, who compounded for all subsequent payments of the annual fee for retention of their names in the Register by paying the sum prescribed in that behalf by the regulations under the proviso to sub-section (3) of section 7 of that Act :

(k) “Statutes”, “Ordinances” and “Regulations” mean, respectively, the Statutes, Ordinances and Regulations of the University made under this Act and they shall be deemed to be rules within the meaning of clause (36) of section 3 of the Bengal General Clauses Act, 1899 ;

(l) “Teacher” means a Professor, Reader, Lecturer or any other person holding a teaching post, appointed or recognised by the University or appointed by a College ;

(m) “Teacher of the University” means a Professor, Reader, Lecturer or any other person holding a teaching post, appointed or recognised by the University ;

(n) “the University” means the University of Calcutta as constituted under this Act ;

(o) “University College” means a College, or an institute or a College combined with an institute maintained by the University whether instituted by it or not ;

(p) “University Laboratory” means a laboratory maintained by the University, whether instituted by it or not ;

(q) “University Professor”, “University Reader” or “University Lecturer” means a Professor, Reader or Lecturer appointed or recognised as such by the University.

CHAPTER II.

THE UNIVERSITY AND ITS OFFICERS AND AUTHORITIES.

3. (1) The first Chancellor and Vice-Chancellor of the University and the first members of the Senate, the Syndicate and the Academic Council and all persons who may hereafter become such officers or members so long as they continue to hold such office or membership shall on and from the appointed day constitute a body to be incorporated by the name of the University of Calcutta.

The University.

¹This clause was substituted for the original clause by section 2 of the Calcutta University (Amendment) Act, 1957 (West Ben. Act III of 1957).

[West Ben. Act

(Chapter II.—The University and its Officers and Authorities.—Section 4.)

(2) The University shall have perpetual succession and a common seal and shall sue and be sued by the name of the University of Calcutta.

Powers.

4. The University shall have the following powers, namely :—

- (1) to provide for instruction and training in such branches of learning as it may think fit and to make provision for research and for the advancement and dissemination of knowledge ;
- (2) to establish, maintain and manage institutions for study and research ;
- (3) to make such provision as will enable Colleges to undertake specialisation of studies and to organise common laboratories, libraries, museums and other equipment for research work ;
- (4) to institute Professorships, Readerships, Lecturerships and any other teaching posts required by the University and to appoint persons to such Professorships, Readerships, Lecturerships or other teaching posts or to recognise persons as such Professors, Readers, Lecturers or holders of other teaching posts ;
- (5) to institute degrees, titles, diplomas and other academic distinctions ;
- (6) to hold examinations and to confer degrees, titles, diplomas and other academic distinctions on persons who—
 - (a) shall have pursued an approved course of study in an Affiliated, Constituent, Professional or University College or a University Laboratory, unless exempted therefrom in the manner prescribed by the Statutes and shall have passed the prescribed examinations of the University, or
 - (b) shall have carried on research under conditions prescribed ;
- (7) to confer honorary degrees or other distinctions under conditions prescribed ;
- (8) to recognise Colleges as Constituent or Professional Colleges and to withdraw recognition from such Colleges and to institute, maintain and manage University Colleges and University Laboratories ;
- (9) to affiliate to itself Colleges, to allow Colleges affiliated to the University of Calcutta as constituted prior to the appointed day to continue to exercise the rights and privileges conferred on them by such affiliation and any further privileges conferred by or under this Act and to withdraw affiliation from such Colleges ;

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(Chapter II.—The University and its Officers and Authorities.—Sections 5, 6.)

- (10) to establish, maintain and manage Halls, to recognise Hostels and to withdraw recognition therefrom ;
- (11) to hold and manage endowments and to institute awards, fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes ;
- (12) to fix fees or other charges and to demand and receive such fees or other charges as may be prescribed ;
- (13) to make grants from the University fund for the maintenance of the National Cadet Corps ;
- (14) to provide for the promotion of the health and welfare of students and to exercise such supervision and control as will secure their discipline, health and well-being ;
- (15) to co-operate with other Universities and other educational authorities in such manner and for such purposes as the University may determine ;
- (16) generally to do all such other acts and things as may be necessary or desirable to further the objects of the University as a teaching and examining body and a research organisation and to cultivate and promote arts, science and other branches of learning ;
- (17) to acquire, hold or dispose of property, movable or immovable, for furthering any of the objects specified above, as may be necessary ; and
- (18) to do all acts or things necessary or incidental for any of the objects specified in clauses (1) to (17).

5. No person shall be qualified for election or nomination as a member of the authorities of the University if he—

Disqualification for membership.

- (a) is at the time of the election or nomination of unsound mind or a deaf-mute ; or
- (b) is an undischarged insolvent ; or
- (c) has been convicted by a court of law for an offence which involves moral turpitude.

In case of dispute or doubt, the Syndicate shall determine whether a person is disqualified under this section and its decision shall be final.

6. (1) (a) The State Government shall have the right to cause an inspection to be made, by such person or persons as it may direct, of the University, its buildings, laboratories, libraries, museums, press establishment, workshops and equipment and of any institution maintained by the University and of all activities other than purely academic activities of the University and to cause an enquiry to be made into the income, expenditure, assets and liabilities of the University.

Inspection.

[West Ben. Act

(Chapter II.—The University and its Officers and Authorities.—Sections 7, 8.)

(b) The State Government shall in every case give notice to the University of its intention to cause such inspection or enquiry to be made.

(2) The State Government shall communicate to the Syndicate its views with reference to the results of such inspection or enquiry and may, after ascertaining the opinion of the Senate and Syndicate thereon, advise the University upon the action to be taken.

(3) The Syndicate shall report to the State Government the action, if any, which is proposed to be taken or has been taken to give effect to the advice of the State Government. Such report shall be submitted with the opinion of the Senate thereon and within such time as the State Government may direct.

(4) The State Government may, after considering the report referred to in sub-section (3), advise the University to take such further action, if any, as in the opinion of the State Government is necessary, and the Senate and Syndicate shall take or cause such action to be taken within the time specified in such advice in that behalf.

Officers of
the Uni-
versity,

7. The following shall be the officers of the University :—

- (1) The Chancellor.
- (2) The Vice-Chancellor.
- (3) The Treasurer.
- (4) The Registrar.
- (5) Such other person as may be declared by the Statutes to be officers of the University.

Chan-
cellor.

8. (1) The Governor of West Bengal shall be the Chancellor of the University. He shall, by virtue of his office, be the head of the University and the President of the Senate and shall, when present, preside at meetings of the Senate including any Convocation of the University.

(2) The Chancellor shall exercise such powers as may be conferred on him by or under the provisions of this Act.

- (3) Where power is conferred upon the Chancellor to nominate persons to authorities, the Chancellor shall, to the extent necessary, nominate persons to represent interests not otherwise adequately represented.

(4) Every proposal to confer any honorary degree shall be subject to the confirmation of the Chancellor.

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(Chapter II.—The University and its Officers and Authorities.—Sections 9—11)

9. (1) The Vice-Chancellor shall be a whole-time officer of the University and shall be appointed by the Chancellor in consultation with the Minister from among three persons recommended by the Syndicate of whom not more than one shall be a member of the Syndicate. He shall hold office for a term of four years and be paid from the University fund a consolidated salary of two thousand and five hundred rupees *per mensem* inclusive of allowances.

The Vice-Chancellor.

(2) (a) If the Vice-Chancellor is by reason of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or

(b) if a vacancy occurs in the office of the Vice-Chancellor by reason of his resignation or death or by reason of the expiration of his term of office, then pending the appointment of a new Vice-Chancellor

the Syndicate shall, subject to the approval of the Chancellor, appoint a member of the Senate to exercise the powers and perform the duties of the Vice-Chancellor.

10. (1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall, in the absence of the Chancellor, preside at meetings of the Senate including any Convocation of the University. He shall be a member *ex-officio* and Chairman of the Syndicate and of the Academic Council and shall be entitled to be present at and to address any meeting of any authority of the University but shall not be entitled to vote thereat unless he is a member of the authority concerned.

Powers and duties of the Vice-Chancellor.

(2) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act, the Statutes, Ordinances and Regulations are faithfully observed and he may exercise all powers necessary for this purpose.

(3) The Vice-Chancellor shall have powers to convene meetings of the Senate and Syndicate and the Academic Council.

(4) In any emergency which in the opinion of the Vice-Chancellor requires that immediate action should be taken, he may take such action as he deems necessary and shall at the earliest opportunity report his action to the authority which would have ordinarily dealt with the matter.

(5) The Vice-Chancellor shall give effect to the orders of the Syndicate regarding appointment, dismissal and suspension of the Teachers and other employees of the University and its servants and shall exercise general control over the affairs of the University.

(6) The Vice-Chancellor shall exercise such other powers as may be prescribed by Statutes and Ordinances.

11. (1) The Treasurer shall be appointed by the Chancellor upon such conditions and for such period and on such remuneration, if any, from the University fund, as the Syndicate may deem fit.

The Treasurer.

[West Ben. Act

(Chapter II.—The University and its Officers and Authorities.—Sections 12—15.)

(2) (a) If the Treasurer is by reason of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or

(b) if a vacancy occurs in the office of the Treasurer by reason of his resignation or death or by reason of the expiration of his term of office, then pending the appointment of a new Treasurer

the Syndicate shall, subject to the approval of the Chancellor, appoint a person to exercise the powers and perform the duties of the Treasurer.

Powers and
duties of
the
Treasurer.

12. (1) The Treasurer shall exercise general supervision over the University fund and advise in regard to its financial policy.

(2) The Treasurer shall be an *ex-officio* member of the Senate and the Syndicate and shall, subject to the control of the Syndicate, manage the property and investments of the University. He shall be responsible for the presentation of the annual financial estimate and the Annual Accounts as prepared by the Syndicate.

(3) Subject to the powers of the Syndicate, the Treasurer shall be responsible for seeing that all monies are expended for the purpose for which they are granted or allotted.

(4) Save as may be otherwise prescribed, all contracts shall be signed by the Treasurer on behalf of the University.

(5) The Treasurer shall exercise such other powers as may be prescribed by Statutes and Ordinances.

The
Registrar.

13. The Registrar shall be a whole-time paid officer of the University appointed by the Syndicate, with the approval of the Chancellor, for such period and on such terms as may be prescribed by Statutes. The Registrar shall exercise such powers and perform such duties as may be prescribed.

Other
officers.

14. The powers and duties of officers of the University, other than the Chancellor, the Vice-Chancellor, the Treasurer and the Registrar, shall be prescribed by Statutes and Ordinances.

Authorities
of the Uni-
versity.

15. The following shall be authorities of the University :—

- (1) The Senate.
- (2) The Syndicate.
- (3) The Finance Committee.
- (4) The Academic Council.
- (5) The Faculties.
- (6) The Boards of Studies.
- (7) The Board of Health.
- (8) The Board of Residence and Discipline.
- (9) Such other bodies as may be declared by Statutes to be authorities of the University.

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(Chapter III.—The Senate.—Section 16.)

CHAPTER III.

THE SENATE.

16. (1) The Senate shall consist of the following members, The
Senate.
namely :—

Ex-officio members.

- (i) the Chancellor ;
- (ii) the Vice-Chancellor ;
- (iii) the Treasurer ;
- (iv) the Director of Public Instruction, West Bengal ;
- (v) the President, Board of Secondary Education, West Bengal ;
- (vi) University Professors ;
- (vii) University Readers who are heads of departments of teaching ;
- (viii) the President, Bangiya Sahitya Parisad ;
- (ix) the Director, Bose Institute ;
- (x) the President, Indian Association for the Cultivation of Science ;
- (xi) the President, National Council of Education ;
- (xii) the President, Royal Asiatic Society of Bengal ;
- (xiii) the President, Bangiya Sanskrita Siksha Parishat ;
- (xiv) the Chairman, West Bengal Board of Madrasa Education ;

Life members.

- (xv) such member of persons not exceeding five as may be
 ¹nominated by the Chancellor, to be Life Members
 on the ground that they have rendered eminent
 service to the cause of education ;

Other members.

- (xvi) three persons elected by the Principals of Constituent
 Colleges (not being Professional Colleges) from
 among themselves ;
- (xvii) the persons, of whom one at least shall be a woman,
 elected by the Principals of Affiliated Colleges from
 among themselves ;
- (xviii) seven persons elected by the Principals of Professional
 Colleges from among themselves ;

¹For notification relating to nomination of life members of the Senate of the Calcutta University, see Notification No. 6478Edn., dated 8.8.58, published in the *Calcutta Gazette, Extraordinary* of 1958, Part I, page 959.

[West Ben. Act**(Chapter III.—The Senate.—Section 16.)**

- (xix) fifteen persons, of whom at least five shall be University Readers who are not heads of departments of teaching or heads of departments of teaching, elected by the Teachers of the University from among themselves ;
- (xx) three persons elected by the Teachers of Constituent Colleges (not being Professional Colleges) from among themselves ;
- (xxi) seven persons, of whom one at least shall be a woman, elected by the Teachers of Affiliated Colleges from among themselves ;
- (xxii) ten persons, of whom at least two shall be Teachers of Engineering Colleges, elected by the Teachers of Professional Colleges from among themselves ;
- (xxiii) two persons elected by the members of the Governing Bodies of ¹[Affiliated, Professional or Constituent Colleges situated within Calcutta as defined in clause (11) of section 5 of the Calcutta Municipal Act, 1951,] from among themselves ;
- (xxiv) two persons elected by the members of the Governing Bodies of the ²[Affiliated, Professional or Constituent Colleges situated within the Presidency Division of West Bengal (excluding Calcutta as defined in clause (11) of section 5 of the Calcutta Municipal Act, 1951)] from among themselves :

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³Provided that for the purpose of such election an Affiliated College situated within Tripura shall be deemed to be a College situated within the Presidency Division of West Bengal.

- (xxv)⁴ [one person elected by the members of the Governing Bodies of Affiliated, Professional or Constituent Colleges] situated in the Burdwan Division of West Bengal from among themselves :

¹These words were substituted for the words "Colleges situated within Calcutta as defined in clause (11) of section 3 of the Calcutta Municipal Act, 1923," by sec. 2(a) of the Calcutta University (Amendment) Act, 1961 (West Ben. Act VIII of 1961).

²These words were substituted for the words "Colleges situated within the Presidency Division of West Bengal [excluding Calcutta as defined in clause (11) of section 3 of the Calcutta Municipal Act, 1923]" by sec. 2(b), *ibid.*

³This Proviso was added with retrospective effect by sec. 3(a) of the Calcutta University (Amendment) Act, 1953 (West Ben. Act XXIII of 1953).

⁴These words were substituted for the words "two persons elected by the members of the Governing Bodies of the Colleges" by sec. 2(c) of the Calcutta University (Amendment) Act, 1961 (West Ben. Act VIII of 1961).

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(Chapter III.—The Senate.—Section 16.)

¹Provided that for the purpose of such election an Affiliated College situated in Chandernagore shall be deemed to be a College situated in the Burdwan Division of West Bengal.

- (xxvi) two persons elected by the members of the Legislative Assembly of West Bengal from among themselves ;
- (xxvii) one person elected by the members of the Legislative Council of West Bengal from among themselves ;
- (xxviii) twenty-five persons of whom at least five shall be graduates in Medicine and at least five graduates in Engineering, elected by the registered graduates from among themselves ;
- (xxix) fifteen persons nominated by the Chancellor to secure the representation of the Professions, Industry, Agriculture, Commerce, Scientific or Technical Societies and persons eminent in Literature, Science, Fine Arts and Music.

(2) Notwithstanding anything contained in clause (j) of section 2, for the purpose of the first election under clause (xxviii) of sub-section (1), a registered graduate means—

- (a) a graduate registered under the Indian Universities Act, 1904,
- (b) (i) a person who holds the degree of a Master or a higher degree of the University of Calcutta as constituted prior to the appointed day, or
- (ii) a graduate of the said University of at least three years' standing,

who has paid a subscription of three rupees for the enrolment as a registered graduate for the purpose of the first election under clause (xxviii) of sub-section (1) and has been enrolled as such.

(3) No person shall be entitled to stand as a candidate for, or exercise his vote at, election from more than one of the electoral bodies referred to in sub-section (1).

(4) Save as otherwise provided, an elected or nominated member of the Senate shall hold office for a period of three years from the date of his election or nomination, as the case may be :

Provided, however, that no member elected in his capacity as a member of a particular electorate shall hold office for a longer period than three months after he has ceased to be such member unless meanwhile he again becomes a member of that electorate.

¹This proviso was added with retrospective effect by sec. 8(i) of the Calcutta University (Amendment) Act, 1958 (West Ben. Act XXIII of 1958).

[West Ben. Act

(Chapter III.—The Senate.—Sections 17, 18.)

(5) When a person ceases to be a member of the Senate he shall cease to be a member of any of the authorities of the University of which he may happen to be a member by virtue of his membership of the Senate.

17. The Senate shall be the supreme Governing Body of the University, and shall have power to review the action of the Syndicate and the Academic Council, save where the Syndicate or the Academic Council has acted in accordance with the powers conferred on them by or under this Act. The Senate shall exercise all powers of the University not otherwise specifically provided for and all powers which are necessary to give effect to the provisions of this Act :

Senate to be the supreme Governing Body.

Provided that if any question arises as to whether the Syndicate or the Academic Council has acted in accordance with the powers conferred on them by or under the provisions of this Act, the question shall be decided by reference to the Chancellor whose decision shall be final.

18. In particular and without prejudice to the generality of the powers conferred by section 17, the Senate shall have the following powers :—

Powers and duties of the Senate.

- (1) to make Statutes and amend or repeal the same ;
- (2) to modify or cancel Ordinances and Regulations as hereinafter provided ;
- (3) to issue directives to the Syndicate to amend or repeal Ordinances ;
- (4) to issue directives to the Academic Council to amend or repeal Regulations as hereinafter provided ;
- (5) to make, after considering the views of the Academic Council, such provision as will enable affiliated, Constituent, Professional and University Colleges to undertake specialisation of studies and to organise common laboratories, libraries, museums and other equipment for research work ;
- (6) to provide, after considering the views of the Academic Council, for instruction and training in such branches of learning as it may think fit ;
- (7) to institute and maintain University Colleges and University Laboratories and to prescribe after considering the views of the Academic Council the conditions of recognition of Constituent and Professional Colleges, and to withdraw recognition therefrom after considering the views of the Syndicate ;
- (8) to prescribe after considering the views of the Academic Council, the conditions of affiliation of Colleges to the University, to allow Colleges affiliated to the

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(Chapter III.—The Senate.—Section 18.)

University of Calcutta, as constituted prior to the appointed day to continue to exercise the rights and privileges conferred on them by such affiliation and any further privileges conferred by or under this Act and to withdraw affiliation from such Colleges, after considering the views of the Syndicate ;

- (9) to institute, after considering the views of the Syndicate and the Academic Council, Professorships, Readerships, Lectureships, and any other teaching posts required by the University, to create posts of employees of the University, to prescribe the terms and conditions of service for such posts and to abolish any such post, if necessary ;
- (10) to establish, equip and maintain libraries, museums and institutes of research ;
- (11) to provide, after considering the views of the Academic Council for such lectures and instruction for students of the Affiliated, Constituent, Professional and University Colleges and University Laboratories as the Senate may determine and also to provide for lectures and instruction to persons not being students of the University and to grant diplomas, certificates and other academic distinctions to them ;
- (12) to institute degrees, titles, diplomas, certificates and other academic distinctions ;
- (13) to confer degrees, titles, diplomas, certificates and other academic distinctions on persons who—
 - (a) shall have pursued an approved course of study in an Affiliated, Constituent, Professional or University College or a University Laboratory or have been exempted therefrom in the manner prescribed by Statutes and shall have passed the prescribed examinations of the University, or
 - (b) shall have carried on research under conditions prescribed ;
- (14) to confer honorary degrees or other distinctions on the recommendation of not less than two-thirds of the members of the Syndicate ;
- (15) to establish and maintain Halls and to prescribe conditions for the recognition of Hostels ;
- (16) to institute, after considering the views of the Academic Council, fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes ;

[West Ben. Act

(Chapter III.—The Senate.—Section 19.—Chapter IV.—The Syndicate and the Finance Committee.—Section 20.)

- (17) to prescribe the fees or charges for admission to the examinations, degrees and diplomas of the University, for the registration of the graduates and for any other purposes specified in section 4 ;
- (18) to consider and take such action as it may deem fit on the Annual Report, the Annual Accounts and the annual financial estimates ;
- (19) to enter into any agreement with any Government or with a private management for assuming the management of any institution and for taking over its properties including its liabilities or for any other purpose not repugnant to the provisions of this Act ;
- (20) to make Statutes regulating the methods of election to the authorities of the University and the procedure at meetings of the Senate, the Syndicate, the Academic Council and other authorities of the University and the quorum of members required for the transaction of business by the authorities of the University other than the Senate ;
- (21) to co-operate with other Universities and other bodies in such manner and for such purposes as it may determine ;
- (22) to delegate such of its powers as it may deem fit to any authority or officer of the University.

Meetings of
the Senate.

19. (1) The Senate shall meet at least twice a year on dates to be fixed by the Vice-Chancellor. One of such meetings shall be held in January and shall be called the Annual Meeting. The Senate may also meet at such other times as it may, from time to time, determine.

(2) Thirty-five members of the Senate shall be a quorum for a meeting of the Senate :

Provided that such quorum shall not be required at a convocation of the University or a meeting of the Senate held for the purpose of conferring degrees, titles, diplomas or other academic distinctions.

(3) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than thirty-five members of the Senate, convene a special meeting of the Senate.

CHAPTER IV.

THE SYNDICATE AND THE FINANCE COMMITTEE.

The
Syndicate.

20. (1) The Syndicate shall consist of the following members, namely :—

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**(Chapter IV.—The Syndicate and the Finance Committee.—
Section 21.)**

Ex-officio Members.

- (i) the Vice-Chancellor ;
- (ii) the Treasurer ;
- (iii) the Director of Public Instruction, West Bengal ;
- (iv) the President, Board of Secondary Education, West Bengal ;
- (v) the Deans of the Faculties of Arts, Science, Law, Medicine and Engineering ;

Other Members.

- (vi) one Dean of a Faculty, other than the Faculties mentioned in clause (v), appointed by rotation as provided by Statutes ;
- (vii) eight persons who are not Teachers elected by the Senate from among its members ;
- (viii) four persons elected by the Academic Council from among its members of whom at least one shall be a Principal of a Professional College and one a Principal of an Affiliated College ;
- (ix) one Principal of a Constituent College (not being a Professional College) elected by the Academic Council from among its members.

(2) No person shall be entitled to stand as a candidate for, or to exercise his vote at, election from more than one of the electoral bodies referred to in sub-section (1).

(3) A member other than an *ex-officio* member shall hold office for a period of three years from the date of his election provided that a member elected in his capacity as a member of a particular body shall hold office so long only within that period as he continues to be a member of that body.

(4) When a person ceases to be a member of the Syndicate he shall cease to be a member of any of the authorities of the University of which he may happen to be a member by virtue of his membership of the Syndicate.

21. The Syndicate shall have the following powers, namely :—

- (a) to make Ordinances and amend or repeal the same ;

**Powers
of the
Syndicate.**

Provided that in amending or repealing an Ordinance, the directive of the Senate, if any, shall be followed ;

- (b) to direct the form, custody and use of the common seal of the University ;

[West Ben. Act

*(Chapter IV.—The Syndicate and the Finance Committee.—
Section 21.)*

- (c) to hold, control and administer the properties and funds of the University ;
- (d) to administer all properties and funds placed at the disposal of the University for specific purposes ;
- (e) to frame, on the recommendation of the Finance Committee, the financial estimates of the University and submit the same to the Senate ;
- (f) save as otherwise provided, to give effect to all the provisions of this Act, the Statutes, Ordinances and Regulations ;
- (g) subject to the provisions of this Act and the Statutes, to appoint the Teachers and other employees of the University, fix their emoluments, if any, define their duties and the conditions of their service, and provide for the filling up of temporary vacancies ;
- (h) to suspend or discharge or dismiss in accordance with the provisions contained in the Statutes, the Teachers and other employees of the University ;
- (i) to accept endowments, bequests, donations and transfers of any movable or immovable properties to the University on its behalf, subject to the approval of the Senate ;
- (j) to affiliate Colleges to the University, to recognise Constituent or Professional Colleges and Hostels in accordance with the Statutes ;
- (k) to arrange for and direct the inspection of Colleges, University Laboratories, Halls and Hostels ;
- (l) to prescribe after considering the views of the Academic Council the qualifications of Teachers ;
- (m) to award fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes in accordance with the Statutes ;
- (n) to collect such fees or charges as may be prescribed by Statutes ;
- (o) to conduct the University examinations and approve and publish the results thereof in accordance with the provisions of the Statutes and Regulations ;
- (p) to make Ordinances regarding the admission of students to the University ;
- (q) to appoint examiners after considering all the recommendations of the Boards of Studies and to fix their remuneration in accordance with the provisions of the Ordinances ;

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*(Chapter IV.—The Syndicate and the Finance Committee.—
Sections 22, 23.)*

- (r) to provide for the promotion of health and welfare of the students and to exercise such supervision and control as will secure their discipline, health and well-being ;
- (s) to manage University Colleges, University Laboratories, libraries, museums, institutes of research and other institutions maintained by the University ;
- (t) to manage in accordance with the Statutes, Halls maintained by the University ;
- (u) to manage any Press Establishment, Publication Bureau or Employment Bureau of the University and to exercise general supervision over Students' Unions, University Extension Boards, University Athletic Clubs or other bodies instituted by the University ;
- (v) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act, or the Statutes, Ordinances or Regulations ; and
- (w) to delegate any of its powers to the Vice-Chancellor or to a Committee constituted from amongst its own members, or to a Committee appointed in accordance with the Statutes.

22. The Annual Report of the University shall be prepared by the Syndicate and shall be forwarded to the members of the Senate in the manner prescribed by the Statutes and shall be considered by the Senate at its next Annual Meeting. The Senate may pass resolutions thereon and communicate the same to the Syndicate which shall take action in accordance therewith. The Syndicate shall inform the Senate the action taken by it. A copy of the report with a copy of the resolutions thereon, if any, of the Senate shall be submitted to the Chancellor for information.

**Annual
Report.**

23. (1) The Annual Accounts of the University as prepared by the Finance Committee shall, after examination by the Syndicate, be subjected to such examination and audit as the State Government may direct.

**Annual
Accounts.**

(2) The accounts when audited shall be published by the Syndicate in the *Official Gazette* and copies thereof shall, together with copies of the audit report, be submitted to the Senate and to the State Government.

(3) The University shall have a continuous internal audit and the report of such audit shall be submitted to the State Government as soon as possible after the end of every financial year of the University.

[West Ben. Act

(Chapter IV.—The Syndicate and the Finance Committee.—Section 24.—Chapter V.—The Academic Council, the Faculties, the Boards of Studies and other Authorities.—Sections 25, 26.)

Explanation.—In this section, “financial year of the University” means the year ending on the 30th day of June.

(4) The Syndicate shall prepare on the recommendation of the Finance Committee before such date as may be prescribed by Statutes, the annual financial estimates.

(5) The Annual Accounts and the annual financial estimates prepared by the Syndicate shall be presented to the Senate by the Treasurer at its annual meeting and the Senate may pass resolutions with reference thereto and communicate the same to the Syndicate which shall take action in accordance herewith.

Finance
Committee.

24. There shall be a Finance Committee with the Treasurer as the Chairman. The constitution and powers of the Finance Committee shall be prescribed by Statutes.

CHAPTER V.

THE ACADEMIC COUNCIL, THE FACULTIES, THE BOARDS OF STUDIES AND OTHER AUTHORITIES.

The
Academic
Council.

25. The Academic Council shall be the academic authority of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, have the control and general regulation of teaching, research and examinations within the University and be responsible for the maintenance of the standards thereof and shall exercise such other powers and perform such other duties as may be prescribed.

Constitution
of the
Academic
Council.

26. (1) The Academic Council shall consist of the following members, namely :—

Ex-officio Members.

- (i) the Deans of the Faculties ;
- (ii) the Director of Public Instruction, West Bengal ;
- (iii) the President, Board of Secondary Education, West Bengal ;
- (iv) University Professors ;
- (v) University Readers who are heads of departments of teaching ;
- (vi) Principals of Constituent Colleges ;

Other Members.

- (vii) four persons, elected by the Principals of Affiliated Colleges from among themselves ;

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(Chapter V.—The Academic Council, the Faculties, the Boards of Studies and other Authorities.—Section 27.)

- (viii) two persons, elected by the Principals of Professional Colleges (not being Constituent Colleges) from among themselves ;
- (ix) three persons, not being Principals, elected by the Teachers of Constituent Colleges (not being Professional Colleges) from among themselves ;
- (x) four persons, not being Principals, elected by the Teachers of Affiliated Colleges from among themselves ;
- (xi) eight persons who are not Teachers elected by the Senate from among its members.

(2) No person shall be entitled to stand as a candidate for, or to exercise his vote at, election from more than one of the electoral bodies referred to in sub-section (1).

(3) A member other than an *ex-officio* member shall hold office for a period of three years from the date of his election provided that a member elected in his capacity as a member of a particular body shall hold office so long only within that period as he continues to be a member of that body.

(4) When a person ceases to be a member of the Academic Council he shall cease to be a member of any of the authorities of the University of which he may happen to be a member by virtue of his membership of the Academic Council.

27. Subject to the provisions of this Act, the Academic Council shall have the following powers, namely :—

**Powers
of the
Academic
Council.**

- (a) to make Regulations and amend or repeal the same ;

Provided that in amending or repealing any Regulation which involves any question of general administration or in giving effect to which expenditure of money would be necessary, the directive of the Senate, if any, shall be followed ;

- (b) to advise the Senate and the Syndicate on all academic matters ;
- (c) to constitute Faculties in Arts, Science, Law, Medicine, Engineering, Technology, Education, Fine Arts and Music, Agriculture, Commerce and such other subjects as may be prescribed ;
- (d) to make proposals to the Senate and the Syndicate for the institution of Professorships, Readerships, Lectureships or other teaching posts and in regard to the duties and emoluments thereof ;
- (e) to make Regulations regarding the courses of study and the division of subjects ;

[West Ben. Act

(Chapter V.—The Academic Council, the Faculties, the Boards of Studies and other Authorities.—Section 28.)

- (f) to prescribe examinations which are to be recognised as equivalent to University examinations ;
- (g) to make Regulations for the encouragement of co-operation and reciprocity among Colleges and University Laboratories so as to foster the development of academic life and to utilise the teaching resources available ;
- (h) to make Regulations regarding the conduct of University examinations and the conditions on which students of Affiliated, Constituent, Professional or University Colleges or University Laboratories may be admitted to the different courses of studies and examinations of the University ;
- (i) to make proposals to the Syndicate for the framing of Ordinances for the management of University Colleges, University Laboratories, Halls, libraries, museums, institutes of research and other institutions maintained by the University ;
- (j) to recommend to the Senate schemes for the constitution or reconstitution of departments of teaching ;
- (k) to make proposals for the promotion of research within the University and to call for reports on such research from the persons engaged therein and to make recommendations to the Senate and Syndicate thereon ;
- (l) to advise the Senate regarding the conditions to be fulfilled by Colleges seeking recognition as Constituent Colleges or affiliation as Affiliated Colleges ;
- (m) to advise the Syndicate regarding the qualifications to be prescribed for Teachers ;
- (n) to appoint members to the Boards of Studies ; and
- (o) to appoint a Standing Committee of which not less than one-third shall be such members of the Academic Council as are Principals or Teachers of Affiliated Colleges and to delegate to it such of its powers as it may deem fit.

The
Faculties.

28. The University shall include Faculties of Arts, Science, Law, Medicine, Engineering, Technology, Education, Fine Arts and Music, Agriculture, Commerce and such other Faculties as may be prescribed by the Statutes and the Regulations. Each Faculty may comprise such departments of teaching as may be prescribed by the Regulations. The head of each such department shall be nominated by the Vice-Chancellor in accordance with Regulations made in this behalf. The constitution and functions of the Faculties shall in all other respects be prescribed by the Regulations :

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(Chapter V.—The Academic Council, the Faculties, the Boards of Studies and other Authorities.—Sections 29—32.—Chapter VI.—Statutes, Ordinances and Regulations.—Section 33.)

Provided that not less than one-third of the total number of members of every Faculty shall be members of the Academic Council.

29. (1) There shall be a Dean of each Faculty who shall be elected by the Faculty in such manner and subject to such conditions as may be prescribed by the Statutes. Deans of Faculties.

(2) The Dean of each Faculty shall be responsible for the due observance by such Faculty of the Statutes, Ordinances and Regulations relating thereto.

(3) The Dean shall hold office as a Dean for such term as may be prescribed by the Statutes.

30. There shall be Boards of Studies attached to each Faculty. The constitution, powers and duties of the Boards of Studies shall be prescribed by Statutes. Boards of Studies.

31. There shall be a Board of Health and a Board of Residence and Discipline. The constitution, powers and duties of the Board of Health and of the Board of Residence and Discipline shall be prescribed by Statutes. Board of Health and Board of Residence and Discipline.

32. The constitution, powers and duties of such other bodies as may be declared by the Statutes to be the authorities of the University shall be provided for in the manner prescribed. Constitution of other bodies.

CHAPTER VI.

STATUTES, ORDINANCES AND REGULATIONS.

33. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely :— Statutes.

(a) the constitution, powers and duties of the authorities of the University ;

(b) the conditions of affiliation of Colleges to the University, the recognition of Constituent and Professional Colleges and of Hostels ;

(c) the institution and maintenance of University Colleges, University Laboratories, libraries, museums and Halls ;

(d) the powers, duties, terms and conditions of service of the officers of the University, other than the Chancellor ;

(e) the holding of Convocations to confer degrees ;

[West Ben. Act

*(Chapter VI.—Statutes, Ordinances and Regulations.—
Section 34.)*

- (f) the conferment of honorary degrees ;
- (g) the administration of endowments and the institution and conditions of award of fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes ;
- (h) the classification and the mode of appointment and of suspension and dismissal of Teachers of the University ;
- (i) the institution of provident or other funds for the benefit of the Teachers and other employees of the University or its servants ;
- ¹(j) the registration of graduates, the conditions of registration, the levy of fees for such registration and the maintenance of a register of registered graduates ;
- (k) all matters which by this Act may be prescribed or provided by the Statutes.

How
Statutes
to be
made.

34. (1) The Senate may of its own motion take into consideration the draft of any Statute, provided that in any case before such Statute is passed affecting the powers or duties of any officer or authority, the opinion of the Syndicate and a report from the person or authority concerned have been taken into consideration by the Senate.

(2) The Syndicate may propose to the Senate the draft of any Statute. Such draft shall be considered by the Senate at its next succeeding meeting. The Senate may approve such draft and pass the Statute or may reject it or may return it to the Syndicate for reconsideration either in whole or in part, together with any amendments which the Senate may suggest. After any draft so returned has been further considered by the Syndicate, it shall be again presented to the Senate with the report of the Syndicate thereon, and the Senate may then deal with the draft in any manner it thinks fit.

(3) The Syndicate shall not propose the draft of or approve the proposal of framing any Statute or of amendment to a Statute—

- (a) affecting the status, power or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal ; any opinion so expressed shall be in writing and shall be considered by the Senate and if there be any disagreement between the Senate and

¹This clause was substituted for the original clause by section 3 of the Calcutta University (Amendment) Act, 1957 (West Ben. Act III of 1957).

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*(Chapter VI.—Statutes, Ordinances and Regulations.—
Sections 35, 36.)*

the Syndicate shall be submitted by the Senate to the Chancellor who may refer it back to either or both of the disagreeing authorities for further consideration ; or

(b) affecting the conditions of affiliation of Affiliated Colleges or of recognition of Hostels except after consultation with the Academic Council.

(4) Where the draft of a Statute proposed by the Senate is not found acceptable to the Syndicate or any other authority whose functions, powers or duties are affected by the draft Statute, or where a draft of a Statute proposed by the Syndicate is rejected by the Senate after its reconsideration by the Syndicate on the same having been returned to the Syndicate in terms of sub-section (2), the same shall be submitted to the Chancellor, who may refer the draft Statute back to the Senate, the Syndicate or authority affected thereby for further consideration and if after further consideration no agreement be reached, the Chancellor may approve of the draft, if it is not inconsistent with any of the provisions of this Act, or may withhold his approval.

(5) A Statute passed by the Senate shall have no validity until it has been assented to by the Chancellor, in consultation with the Minister.

35. Subject to the provisions of this Act, and the Statutes, the Syndicate may make Ordinances providing for all or any of the following matters, namely :—

Ordinances.

- (a) the admission of students to the University and their enrolment as such and the levy of fees in University Colleges and University Laboratories ;
- (b) the conditions of residence of the students of the University and the levy of fees for residence in Halls ;
- (c) the qualifications, emoluments and conditions of service of Teachers of the University ;
- (d) the qualifications of Teachers other than Teachers of the University ;
- (e) the appointment, duties and remuneration of examiners ;
- (f) all matters which by this Act or by Statutes may be provided for by the Ordinances.

36. (1) In making Ordinances, the Syndicate shall consider the views of—

How
Ordinances
to be
made,

- (i) the Boards of Studies when such Ordinances affect the appointment and duties of the examiners ; and

[West Ben. Act

(Chapter VI.—Statutes, Ordinances and Regulations.—Section 37.—Chapter VII.—Admission and Residence of Students.—Sections 38, 39.)

(ii) the Academic Council (a) when prescribing the qualifications of Teachers, (b) when they affect the conduct or standard of examinations, or (c) when prescribing the conditions of residence of students.

(2) Subject to any direction of the Chancellor as hereinafter stated, all Ordinances made by the Syndicate shall have effect from such date as it may direct. Every Ordinance shall be submitted as soon as may be to the Chancellor and the Senate and shall be considered by the Senate at its next succeeding meeting. The Senate shall have the power, by a resolution passed by a majority of not less than two-thirds of the members present at such a meeting, to cancel or modify any such Ordinance.

(3) The Chancellor may direct that the operation of any Ordinance shall be suspended until such time as the Senate has had an opportunity of considering the same.

Regulations.

37 (1) The Academic Council may make Regulations, consistent with this Act and the Statutes, to carry out the duties assigned to it thereunder.

(2) All such Regulations shall have effect from such date as the Academic Council may direct. Every Regulation shall be submitted, as soon as may be, to the Senate who shall consider it at its next meeting. The Senate shall have power, by a resolution passed by a majority of not less than two-thirds of the members present at such a meeting, to cancel or modify any such Regulation.

CHAPTER VII.

ADMISSION AND RESIDENCE OF STUDENTS.

Residence
and
Hostels.

38. Every student of the University shall reside in a Hall or Hostel or under such other conditions as may be prescribed.

Colleges
and
Hostels.

39. (1) The Senate shall have power to suspend or withdraw the recognition or affiliation of any College which in the opinion of the Senate is not being conducted in accordance with the conditions prescribed, provided that no such action shall be taken in this matter without considering the views of the Syndicate and without affording the management of such College an opportunity of making such representation as it may deem fit.

(2) The Syndicate shall have power to suspend or withdraw the recognition of any Hostel which is not being conducted in accordance with the conditions prescribed, provided that no such action shall be taken without affording the management of such Hostel an opportunity of making such representation as it may deem fit.

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*(Chapter VII.—Admission and Residence of Students.—
Section 40.—Chapter VIII.—General.—Section 41.)*

40. (1) A person shall be eligible for admission to a course of study in the University if he has passed the Final Examination held by the Board of Secondary Education, West Bengal, or an examination recognised under the Regulations as equivalent thereto, and possesses such further qualifications as may be prescribed :

Admission
to the
University
courses.

Provided that until the said examination of the Board of Secondary Education is held, a person shall be eligible for admission to a course of study in the University if he has passed the Matriculation Examination of the University or an examination recognised under the Regulations as equivalent thereto.

(2) Students may be admitted to a course of study for a diploma or certificate of the University under such conditions as may be prescribed by Ordinances.

(3) Every candidate for a University examination shall, unless exempted from the provisions of this sub-section by a special order of the Syndicate made on the recommendation of the Academic Council, be enrolled as a member of an Affiliated, Constituent, Professional or University College or a University Laboratory. Any such exemption may be made subject to such conditions as the Syndicate may think fit.

(4) Students exempted under sub-section (3) shall be non-collegiate students of the University.

CHAPTER VIII.

GENERAL.

41. ¹[(1)] All vacancies among the members, other than the *ex-officio* members of any authority or other body of the University, shall be filled, within such time as the Vice-Chancellor may direct, by the individual or electorate who nominated or elected the member whose seat has become vacant :

Filling of
casual
vacancies.

Provided that vacancies arising by efflux of time among elected members of any authority or other body of the University shall be filled by elections to be fixed by the Vice-Chancellor on such dates ²[as he thinks fit, not later than three months from the dates on which the vacancies arise or such extended period as the Chancellor may fix by order made in this behalf].

¹Section 41 was renumbered as sub-section (1) of that section and after sub-section (1) of the said section as so re-numbered sub-sections (2) and (3) were added with retrospective effect by sec. 2 of the Calcutta University (Amendment) Act, 1956 (West Ben. Act XXIII of 1956).

²These words were substituted for the words "not later than three months from the dates on which the vacancies arise as he thinks fit" by sec. 2 of the Calcutta University (Second Amendment) Act, 1957 (West Ben. Act VIII of 1957).

(Chapter VIII.—General.—Sections 42—44.)

¹(2) Without prejudice to the provisions of sub-section (1), the term of office of the members other than *ex-officio* members of the Senate, the Syndicate or the Academic Council as provided in this Act shall be held to include any period which may elapse between the expiry of the said term and the date of elections to the Senate, the Syndicate or the Academic Council, as the case may be, to fill vacancies arising by efflux of time.

Explanation.—When elections to the Senate, the Syndicate or the Academic Council are held on more than one date, then the last of such dates shall be taken to be the date of elections for purposes of this sub-section.

¹(3) Any member of the Senate, the Syndicate or the Academic Council elected or nominated to fill a vacancy other than a vacancy arising by efflux of time shall hold office for the unexpired portion of the term of office of the member whose seat became vacant.

Proceed-
ings of the
University
and bodies
not invali-
dated by
vacancies.

42. No act or proceedings of any authority or other body of the University shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members or the invalidity of the election of any of the members.

Explanation.—For the avoidance of doubt it is hereby declared that where the office of any member of any authority or other body of the University cannot be filled up when such authority or body is constituted for the first time, on account of any election or appointment not being for any reason feasible, there shall be deemed to be a vacancy in the office of such member until such election takes place or such appointment is made.

Removal
from the
member-
ship of the
University.

43. The Senate may, on the recommendation of not less than two-thirds of the members of the Syndicate, remove with the concurrence of the Chancellor the name of any person from the register of graduates and remove any person from membership of any authority of the University if he has been convicted by a court of law of what in the opinion of the Senate is a serious offence involving moral turpitude, and for the same reasons may withdraw any degree or diploma conferred or granted by the University on such person.

The Senate may also remove any person from the membership of any authority of the University if he becomes of unsound mind or a deaf-mute or has applied to be adjudicated or has been adjudicated a bankrupt or insolvent.

Disputes
as to the
constitu-
tion of any
University
Authority.

44. ²[(1)] If any question arises whether any person is eligible for election or nomination or whether any person has been duly elected or nominated as, or is entitled to be, a member of any authority of the University, the question shall be referred to the Chancellor, whose decision thereon shall be final, and no suit or proceeding shall lie in any court against such decision.

¹See foot-note 1 on page 187, *ante*.

²Section 44 was was renumbered as sub-section (1) of that section and after that sub-section as so renumbered sub-section (2) was added by sec. 2 of the Calcutta University (Second Amendment) Act, 1961 (West Ben. Act XVI of 1961).

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(Chapter VIII.—General.—Sections 45,46.)

- ¹(2) If, during the progress of any election of members from all or any of the constituencies to any authority or other body of the University, the Chancellor is satisfied that such election is vitiated by fraud or corrupt practices, the Chancellor may make an order annulling, for reasons to be recorded, the proceedings in respect of such election or any part thereof and directing that a fresh election be held in accordance with the provisions of this Act and the Statutes made thereunder from such stage as may be specified in such order and such order of the Chancellor shall be final.

45. All the authorities of the University shall have power to appoint Committees and to delegate to them such of their duties and functions as they deem fit. Such Committees shall, unless there be some provisions in this Act to the contrary, consist of such members of the authority concerned and also of any other person or persons that such authority may think fit to appoint.

Constitu-
tion of
Commit-
tees.

46. (1) Every University Professor shall be appointed on the recommendation of a Selection Committee consisting of—

- (a) the Vice-Chancellor who shall be the Chairman of the Committee,
- (b) the Dean of the Faculty concerned,
- (c) a person having special knowledge of the subject in which the Professor is to impart instruction nominated by the Chancellor, not being a member of any of the authorities of the University, and
- (d) two persons nominated by the Syndicate, having special knowledge of the subject in which the Professor is to impart instruction, not being a member of any of the authorities of the University.

Selection
Commit-
tees for
appointing
University
Professor,
Reader and
Lecturer.

(2) Every University Reader and every Lecturer to be appointed by the University shall be appointed on the recommendation of a Selection Committee consisting of—

- (a) the Vice-Chancellor who shall be the Chairman of the Committee,
- (b) the Dean of the Faculty concerned,
- (c) the Head of the Department concerned,
- (d) a person having special knowledge of the subject in which the Reader or the Lecturer is to impart instruction, nominated by the Chancellor, not being a member of any of the authorities of the University, and

¹See foot-note 2 on page 188, *ante*.

[West Ben. Act

(Chapter III.—General.—Sections 47, 48.)

- (e) a person nominated by the Syndicate having special knowledge of the subject in which the Reader or the Lecturer is to impart instruction, not being a member of any of the authorities of the University.

(3) If the Syndicate does not accept the recommendation of a Selection Committee, it shall refer the recommendation back to the Selection Committee for reconsideration and if the Syndicate does not accept the reconsidered view of the Selection Committee, the matter shall be referred to the Chancellor whose decision shall be final.

(4) Appointments to all other posts of employees of the University carrying a salary not below one hundred rupees, shall be made on the recommendation of a Committee appointed by the Syndicate.

Conditions
of service.

47. (1) Save as otherwise provided, every salaried Teacher or other employee holding a post carrying a salary not below one hundred rupees of the University shall be appointed under a written contract.

The contract shall be lodged with the Registrar of the University and a copy thereof shall be furnished to the Teacher or the employee concerned.

(2) Every person who immediately before the appointed day was a Teacher or a servant of the University of Calcutta as constituted prior to that date shall on and from that date be deemed to be appointed to the corresponding post under the University on the same terms and conditions on which he was holding the post immediately before such date.

* *Explanation.*—In this section and elsewhere in this Act the expression “employee of the University” does not include the Officers referred to in section 7.

Arbitration
Tribunal.

48. Any dispute arising out of a contract between the University and any Teacher or other employee of the University holding a post carrying a salary not below one hundred rupees shall, on the request of the Teacher or other employee of the University concerned, be referred to a Tribunal consisting of one member appointed by the Syndicate, one member nominated by the Teacher or the employee of the University concerned, and a President appointed by the Chancellor. The decision of the Tribunal shall be final and no suit shall lie in any civil court in respect of the matters decided by the Tribunal. Every such request shall be deemed to be a submission to arbitration upon the terms of this section, within the meaning of the Arbitration Act, 1940, and all provisions of that Act, with the exception of section 2 thereof, shall apply accordingly.

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(Chapter IX.—University Fund.—Sections 49—50A.—Chapter X.—Transitory Provisions.—Section 51.)

CHAPTER IX.

UNIVERSITY FUND.

49. The University shall have a fund (elsewhere in this Act referred to as the University fund) to which shall be credited—

Fund of the University.

(1) its income from fees, fines, endowments and grants, if any ; and

(2) any contribution by any Government ;

and which shall include all trusts, endowments and grants hitherto created or made in favour of the University.

50. The State Government, on being satisfied with the report submitted to it under sub-section (3) of section 23, shall make a grant every year to the University of not less than rupees sixteen lakhs which shall be credited to the University fund.

Contribution by State Government.

West Ben. Act XXXVII of 1950.

¹**50A.** Notwithstanding the repeal of the West Bengal Secondary Education Act, 1950, the State Government shall, in addition to any sum that may be paid under any of the foregoing sections of this chapter, continue to pay to the University, the annual grant determined by the Tribunal referred to in sub-section (2) of section 43 of that Act to meet the financial loss incurred by the University on account of its ceasing to hold the Matriculation Examination and the sum paid as such annual grant shall be credited to the University Fund.

Annual grant to the University to meet the financial loss on account of its ceasing to hold the Matriculation Examination.

CHAPTER X.

TRANSITORY PROVISIONS.

51. Notwithstanding anything contained in this Act, the Statutes, the Ordinances and the Regulations, any student of a College affiliated to the University of Calcutta as constituted prior to the appointed day, who was studying for any examination of the said University shall be permitted to complete his course in preparation therefor and the University shall hold for such students examinations in accordance with the curricula of study in force in that University for such period as may be prescribed.

Completion of courses for students in Colleges affiliated to the Calcutta University under the previous Act.

¹This section 50A was inserted by section 2 of the Calcutta University (Amendment) Act, 1963 (West Ben. Act XXI of 1963).

(Chapter X.—Transitory Provisions.—Section 52.)

Appoint-
ment of
the first
Vice-
Chancellor
and his
powers.

52. (1) The Chancellor shall within three months from the date of the publication of this Act in the *Official Gazette* appoint, in consultation with the Minister, on such terms and conditions as he thinks fit, a person to be the Vice-Chancellor. Such Vice-Chancellor (in this Act referred to as "the first Vice-Chancellor") shall hold office for a period of two years¹ and upon his appointment, the person holding office as the Vice-Chancellor of the University of Calcutta immediately before the date of such appointment, shall vacate his office.

(2) The first Vice-Chancellor shall, with the approval of the Chancellor and with the assistance of a Committee consisting of not more than six members nominated by the Chancellor, cause the first Statutes, the first Ordinances and the first Regulations of the University to be framed.

(3) The first Vice-Chancellor shall within six months from the date of his appointment or within such longer period, not exceeding one year from the date of his appointment, as the State Government may, by ²notification, direct, cause arrangements to be made for constituting the Senate, the Syndicate, the Academic Council, the Faculties and the Boards of Studies in accordance with the provisions of the first Statutes, the first Ordinances and the first Regulations as framed under sub-section (2), as if they had already come into force.

(4) The State Government shall, by notification in the *Official Gazette*, appoint a ³date and on and from such date the Senate, the Syndicate, the Academic Council, the Faculties and the Boards of Studies shall commence to exercise their respective functions and the first Statutes, the first Ordinances and the first Regulations as framed under sub-section (2) shall come into force and be the first Statutes, the first Ordinances and the first Regulations of the University.

⁴(4a) Notwithstanding anything elsewhere contained in this Act, but subject to the provisions of sub-section (2) of section 41, the elected members and the nominated members, other than life members, of the Senate, the Syndicate and the Academic Council constituted under sub-section (3) of this section shall hold office for a period of three years from the appointed date.

(5) The first Statutes, the first Ordinances and the first Regulations of the University shall remain in force until new Statutes, new Ordinances and new Regulations are made under the provisions of this Act.

¹For extension of term of the first Vice-Chancellor from a period of two years to a period of two years and six months, see sec. 2 of the Calcutta University (Extension of Term of Office of First Vice-Chancellor) Act, 1953 (West Ben. Act XXII of 1953).

²See Notification No. 2312 Edn./1u-21/52, dated 2nd May, 1952, published in the *Calcutta Gazette* of 1952, Part I, page 1896.

³The date appointed is the 12th day of March, 1954. Vide Notification No. 1823 Edn., dated the 10th March, 1954, published in the *Calcutta Gazette, Extraordinary*, dated the 10th March, 1954, Part I, page 306.

⁴This sub-section was added with retrospective effect by sec. 3 of the Calcutta University (Amendment) Act, 1956 (West Ben. Act XXIII of 1956).

XVIII of 1951.]

(Chapter X.—Transitory Provisions.—Section 53.)

VIII of
1904.

¹(6) On and from the appointed day, Act II of 1857, and the Indian Universities Act, 1904, so far as it applies to West Bengal, shall stand repealed :

Provided that until such repeal references to the Vice-Chancellor under the said Acts shall be deemed to be references to the first Vice-Chancellor :

Provided further that such repeal shall not affect the affiliation of Colleges situated outside West Bengal which are already affiliated to the University of Calcutta under the provisions of the Indian Universities Act, 1904.

(7) In construing the provisions of section 16, section 20 and section 21, and in construing the provisions of the first Statutes, the first Ordinances and the first Regulations as framed under sub-section (2) in relation to the constitution under this section, of the Senate, the Syndicate, the Academic Council, the Faculties and the Boards of Studies, references to the heads of departments of teaching of the University, the University Professors, University Readers and University Lecturers and Teachers of the University shall be deemed to be references to the persons holding offices respectively as the heads of departments of teaching, Professors, Readers, Lecturers and Teachers of the University of Calcutta, immediately before the date of the appointment of the first Vice-Chancellor.

(8) The first Vice-Chancellor may, subject to the sanction of the Chancellor, appoint such administrative, clerical and other staff as he deems necessary for giving effect to the provisions of this section.

(9) The provisions of this section shall have effect notwithstanding anything contained elsewhere in this Act or in any other law.

53. If any difficulty arises as to the first constitution of any authority of the University under this Act, or otherwise in giving effect to the provisions of this Act, the State Government, as occasion may require, may by ¹order do anything which appears to it to be necessary for the purpose of removing the difficulty, and such order may provide for the continuance of any authority or officer existing or holding office immediately before the date of the appointment of the first Vice-Chancellor until the corresponding authority or officer is appointed under this Act.

**Removal
of diffi-
culties.**

¹This sub-section was substituted for the original sub-section with retrospective effect by sec. 4 of the Calcutta University (Amendment) Act, 1953 (West Ben. Act XXIII of 1953).

²For order that for the purpose of constituting the Syndicate, the First Vice-Chancellor shall be deemed to be the Vice-Chancellor within the meaning of section 20 of the Act, see Notification No. 197Edn., dated 9.1.54, published in the *Calcutta Gazette*, of 1954, Part I. page 620.

[West Ben. Act XVIII of 1951.]

(Chapter XI.—Miscellaneous.—Sections 54, 55.)

CHAPTER XI.

MISCELLANEOUS.

Passing of
properties
and rights
to the
University
as con-
stituted
under this
Act.

54. All properties, all rights of whatever kind used, enjoyed or possessed by and all interests of whatever kind owned by, or vested in, or held in trust by, or for the University of Calcutta as constituted prior to the appointed day as well as all liabilities legally subsisting against the said University shall pass to the University as constituted under this Act.

Provident
Fund.

55. Where a provident fund has been instituted by the Senate for the benefit of the officers, Teachers or other employees of the University, the provisions of the Provident Funds Act, 1925, shall apply to such fund as if the fund were a Government Provident Fund.

XIX of
1925.

West Bengal Act XIX of 1951¹

THE MOTOR VEHICLES (WEST BENGAL AMENDMENT) ACT, 1951.

[13th July, 1951.]

An Act to amend the Motor Vehicles Act, 1939, in its application to West Bengal.

IV of 1939.

WHEREAS it is expedient to amend the Motor Vehicles Act, 1939 in its application to West Bengal for the purposes and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. This Act may be called the Motor Vehicles (West Bengal Amendment) Act, 1951. Short title.

2. The Motor Vehicles Act, 1939, hereinafter referred to as the said Act, shall, in its application to West Bengal, be amended in the manner hereinafter provided. Applica-
tion of
Act.

3. In section 42 of the said Act, for clause (a) of sub-section (3), the following shall be substituted, namely :— Amend-
ment of
section 42
of Act IV
of 1939.

“(a) to any transport vehicle owned by or on behalf of the Central Government or a State Government other than a vehicle used for a commercial purpose or for the purposes of a commercial department ;”.

4. To sub-section (1) of section 43 of the said Act, the following shall be added, namely :— Amend-
ment of
section 43
of Act IV
of 1939.

“; or

(iii) notwithstanding anything contained in section 58 or section 60 cancel any permit granted under this Act in respect of a transport vehicle or any class of such permits either generally or in any area specified in the notification :

Provided that no such notification shall be issued before the expiry of a period of three months from the date of a notification declaring its intention to do so :

Provided further that when any such permit has been cancelled, the permit holder shall be entitled to such compensation as may be prescribed ; or

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 14th February, 1951, Part IV, page 204 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the West Bengal Legislative Assembly, held on the 28th March, 1951.

[West Ben. Act

(Sections 5—9.)

(iv) declare that it will engage in the business of road transport service through the State or in such area or on such route within the State as may be specified in the notification."

Amend-
ment of
section 44
of Act IV
of 1939.

5. To sub-section (2) of section 44 of the said Act, the following shall be added, namely :—

"Provided that if the State Government so thinks fit the State Transport Authority or a Regional Transport Authority may consist of a single official :

Provided further that nothing in this sub-section shall apply to an official merely by reason of the fact that the State Government employing him has any financial interest in a transport undertaking."

Insertion
of new sec-
tion 44A in
Act IV of
1939.

6. After section 44 of the said Act, the following shall be inserted, namely :—

"44A. (1) The State Government Transport Officers to exercise notified powers. may by notification in the *Official Gazette* appoint for the State a State Transport Officer and may in like manner appoint for such area within the State as may be specified in the notification, a Regional Transport Officer.

(2) Notwithstanding anything contained in this Act, the State Government may by notification in the *Official Gazette* authorise the State Transport Officer or a Regional Transport Officer to exercise and discharge in lieu of any other authority prescribed by or under this Act such powers and functions as may from time to time be specified in the notification."

Amend-
ment of
section 45
of Act IV
of 1939.

7. To section 45 of the said Act, the following shall be added, namely :—

"Provided that the State Government may by notification in the *Official Gazette* direct that applications for such class of permits in such region as may be specified in the notification shall be made to the State Transport Authority."

Amend-
ment of
section 47
of Act IV
of 1939.

8. In sub-sections (1) and (2) of section 47 of the said Act, after the words "Regional Transport Authority" the words "or the State Transport Authority" shall be inserted.

Amend-
ment of
sections 48,
54, 55, 56,
57 and 58
of Act IV
of 1939.

9. In section 48, clause (d) of section 54, sections 55 and 56, sub-sections (2), (3), (4), (5) and (7) of section 57 and sub-section (1) of section 58 of the said Act, after the words "Regional Transport Authority" wherever they occur the words "or the State Transport Authority" shall be inserted.

The Motor Vehicles (West Bengal Amendment) Act, 1951. 197
XIX of 1951.]

(Sections 10—14.)

10. After section 48 of the said Act, the following shall be inserted, namely :—

Insertion of new section 44A in Act IV of 1939.

“48A. Notwithstanding anything contained in sections 47 and 48, ^{Issue of stage carriage permit to Government or local authorities.} a Regional Transport Authority or the State Transport Authority shall issue the stage carriage permit applied for, by or on behalf of the State Government or a local authority with the concurrence of the State Government.”

11. To section 58 of the said Act, the following shall be added, namely :—

Amendment of section 59 of Act IV of 1939.

“(3) Notwithstanding anything contained in sub-section (1), the State Government may order a Regional Transport Authority or the State Transport Authority to limit the period for which any permit or class of permits is issued to any period less than the minimum prescribed in this Act ”

12. After section 58 of the said Act, the following shall be inserted, namely :—

Insertion of new section 58A in Act IV of 1939.

“58A. Notwithstanding anything hereinbefore contained, the ^{Grant of permit to local authority.} State Government may by order direct any Regional Transport Authority or the State Transport Authority to grant stage carriage permit to the State Government or any local authority specified in the order.”

13. In section 62 of the said Act,—

Amendment of section 62 of Act IV of 1939.

(i) after the words “Regional Transport Authority” the words “or the State Transport Authority” shall be inserted ;

(ii) after clause (c) the following shall be inserted, namely :—

“; or

(d) pending decision on an application for the grant or renewal of a permit.”

14. After clause (h) of sub-section (2) of section 68 of the said Act, the following shall be inserted, namely :—

Amendment of section 68 of Act IV of 1939.

“(hh) the compensation to be paid to a permit holder for cancellation of a permit in respect of a transport vehicle ;”.

West Bengal Act XXIII of 1951¹
THE COOCH BEHAR DISTURBANCES ENQUIRY
ACT, 1951.

[18th October, 1951.]

An Act to vest a certain Judicial Officer appointed under a Resolution of the State Government with the powers of a Civil Court while holding an enquiry in pursuance of that Resolution.

WHEREAS it is expedient to vest the Judicial Officer, appointed under Resolution of the Government of West Bengal, in the Home Department No. 2144 Pl., dated the 29th May, 1951, with the powers of a Civil Court, while holding an enquiry in pursuance of that Resolution ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Cooch Behar Disturbances Enquiry Act, 1951.

Short title
and
commence-
ment.

West Ben.
Ord. IV of
1951.

(2) It shall come into force immediately on the Cooch Behar Disturbances Enquiry Ordinance, 1951, ceasing to operate.

2. The Judicial Officer, to wit the Hon'ble Mr. Justice S. N. Guha Ray of the High Court at Calcutta, appointed under Resolution of the Government of West Bengal, in the Home Department No. 2144-Pl., dated the 29th May, 1951, shall, while holding an enquiry in pursuance of that Resolution,—

Powers of
the
Judicial
Officer
appointed
under
Home
Depart-
ment Reso-
lution No.
2144-Pl.

(i) have all the powers of a Civil Court for the purposes of receiving evidence, administering oaths, enforcing the attendance of witnesses, and compelling the discovery and production of documents, and shall be deemed to be a Civil Court within the meaning of sections 480, 481 and 482 of the Code of Criminal Procedure, 1898, and

Act V of
1898.

(ii) shall furthermore have the same powers of dealing with any contempt of himself or in respect of any proceedings before him, as if he were a High Court referred to in article 214 of the Constitution of India.

3. Except in a prosecution for giving false evidence, and except as provided in the Indian Evidence Act, 1872, no statement made by a person in the course of giving evidence before the Judicial Officer referred to in section 2 shall subject such person to, or be used against such person in any civil or criminal proceedings :

State-
ments
made by
persons to
the
Judicial
Officer.

I of 1872.

Provided that such statement—

(a) is one which the said Judicial Officer permits or requires to be made before him by such person ; and

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 12th September, 1951; Pt. IV, page 1164 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the West Bengal Legislative Assembly held on the 17th September, 1951.

[West Ben. Act XXIII of 1951.]

(Section 4.)

(b) is relevant to the subject-matter of the enquiry.

Savings.

4. Any power exercised, any action taken or anything whatsoever done under any provision of the Cooch Behar Disturbances Enquiry Ordinance, 1951, shall, on the said Ordinance ceasing to operate, be deemed to have been exercised, taken or done under the corresponding provision of this Act as if this Act had commenced on the 12th day of June, 1951.

West Ben.
Ord. IV of
1951.

West Bengal Act XXV of 1951¹
THE CALCUTTA TRAMWAYS ACT, 1951.

[18th October, 1951.]

An Act to empower the Government of West Bengal to acquire the undertaking of the Calcutta Tramways Company, Limited.

WHEREAS an agreement, a copy whereof is set forth in the First Schedule to this Act was made the 30th day of August, 1951, between the Governor of the State of West Bengal of the one part and the Calcutta Tramways Company, Limited, of the other part ;

AND WHEREAS it is declared in the said agreement that the same shall be subject to confirmation and being given effect to by an Act of the Legislature of West Bengal to be thereafter passed for the purpose ;

AND WHEREAS it is expedient that the same should be confirmed and given effect to and the law relating to the undertaking of the Calcutta Tramways Company, Limited, should be amended ;

It is hereby enacted as follows :—

1. This Act may be called the Calcutta Tramways Act, 1951. Short title.
2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.
 - (a) “the Government” means the Government of West Bengal ;
 - (b) “the Company” means the Calcutta Tramways Company, Limited ;
 - (c) “the transfer agreement” means the agreement made the 30th day of August, 1951, between the Governor of the State of West Bengal of the one part and the Company of the other part, a copy whereof is set forth in the First Schedule to this Act ;
 - (d) “the undertaking” means the undertaking of the Company.
3. The transfer agreement, is hereby confirmed and made binding on the parties thereto and the several provisions thereof shall have effect as if the same had been enacted in this Act. Confirmation of agreement between Government and Company.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 1st September, 1951, Part IV, page 1085 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of the West Bengal Legislative Assembly held on the 18th, 19th, 20th and 21st September, 1951.

[West Ben. Act

(Sections 4—7.)

Transfer
of powers.

4. Notwithstanding anything to the contrary in any other law, all the powers and duties of the Corporation of Calcutta, the Commissioners of the Howrah Municipality, the Commissioners of the South Suburban Municipality and the Commissioners for the New Howrah Bridge with respect to the construction, maintenance, use, leasing of or otherwise dealing with tramways are transferred to and vested in the Government.

Amend-
ment of
agree-
ments.

5. (1) The several agreements particulars whereof are set out in the Second Schedule to this Act shall have effect as if the Government were parties thereto in lieu of the respective bodies and persons set out in column 2 of the said Schedule and any reference in any such agreement to any of such bodies or persons shall unless the subject-matter or the context otherwise requires be deemed to be a reference to the Government :

Provided that any sums payable under any such agreement to any of such bodies or persons shall continue to be payable as if this Act had not been passed.

(2) Any provision in any of the agreements referred to in the preceding sub-section of this section whereby any body or persons may be entitled to purchase the whole or any part of the undertaking is hereby annulled and the Government in its or their place and stead shall be entitled to purchase the undertaking on the terms set out in the transfer agreement.

6. The provisions of the Calcutta Tramways Act, 1880, the Bengal Tramways Act, 1883 and the Calcutta Tramways (Howrah) Order, 1905 and of Any other Act or Order relating to the purchase of the undertaking or any part thereof which is purchasable by any body or persons are hereby repealed in so far as such provisions are inconsistent with the provisions of this Act relative to the transfer of the undertaking to the Government.

Ben. Act I
of 1880.
Ben. Act
III of
1883.New
Howrah
Bridge
and its
approaches
and the
Esplanade
to be
included
in
Calcutta.

7. Notwithstanding anything contained in the Calcutta Municipal Act, 1923¹, the Howrah Bridge Act, 1926 or in any other Act, the New Howrah Bridge and its approaches, vested in the Commissioners for the New Howrah Bridge and the Esplanade (including the area commonly known as the *Maidan*), shall be deemed to be included in Calcutta as defined in clause (11) of section 3 of the Calcutta Municipal Act, 1923¹ :

Ben. Act
III of
1923.
Ben. Act
IV of
1926.

Provided that save as aforesaid, nothing in this section shall affect the provisions of the Howrah Bridge Act, 1926, and save, as may hereafter be provided by or under any law, the provisions of the Calcutta Municipal Act, 1923¹, shall not apply to the area referred to above.

¹The Calcutta Municipal Act, 1923 (Ben. Act III of 1923) was repealed and re-enacted by the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951).

XXV of 1951.]

(The First Schedule.)

THE FIRST SCHEDULE.

[See section 2(c).]

(Transfer Agreement.)

ARTICLES OF AGREEMENT made this 30th day of August, One thousand nine hundred and fifty-one BETWEEN THE GOVERNOR OF THE STATE OF WEST BENGAL of the one part and THE CALCUTTA TRAMWAYS COMPANY, LIMITED, a Company incorporated under the English Companies Acts and having its registered office at 1, Queen Victoria Street in the City of London (hereinafter called "the Company") of the other part

WHEREAS by virtue of the Calcutta Tramways Act, 1880, the Bengal Tramways Act, 1883, the Calcutta Tramways Act, 1894, and the Calcutta Tramways (Electric Traction) Act, 1900, and the Agreements particulars whereof are set out in the Schedule hereto and all other powers therein enabling it, the Company is empowered to make and maintain tramways within the municipal limits of Calcutta and its suburbs ;

AND WHEREAS in pursuance of the powers aforesaid the Company has constructed and maintained various tramways ;

AND WHEREAS the Company is maintaining, managing and running along the said tramways a service for the public desiring to use the same ;

AND WHEREAS the Government of West Bengal (hereinafter referred to as "the Government") is desirous, in the interest of improving the said service for the greater convenience of the public, to co-operate with the Company in running the said service ;

AND WHEREAS the Government is desirous of ultimately owning, possessing, managing and running the said tramways undertaking as a Government service for the benefit of the public ;

AND WHEREAS it is necessary for the better implementation of this Agreement that an Act should be passed by the appropriate legislature ratifying and giving effect to the same.

Witnesseth And it is hereby agreed as follows :—

1. In this Agreement except so far as the contrary is expressly provided or the context otherwise requires, the following words and expressions have the meanings hereby respectively assigned to them, that is to say :—

"Accounting Year" means the period from the first day of January to the thirty-first day of December next ensuing ;

[West Ben. Act

(The First Schedule.)

“Physical assets” mean the lands, buildings, structures, works, machinery, plant, rolling stock, lines, mains, motors, dynamos, switchboards, apparatus, appliances, tool, implements, motor trucks and other like property of the Company from time to time comprised in the undertaking and in use or available for use ;

“Purchase Date” means the first day of January, 1972.

“The undertaking” means the tramways undertaking of the Company as authorised by the Acts, Agreements and powers hereinbefore referred to.

2. (1) The Company shall continue to carry on the undertaking until the purchase date in accordance with this Agreement and any statutory powers granted or to be granted to or empowering the Company in that behalf.

(2) Except as otherwise specifically provided in this Agreement nothing herein shall be deemed to restrict the financial and administrative powers of the Company or to restrict the right of the Company to carry on its undertaking until the purchase date in the ordinary course of business.

(3) The Company shall exercise due care and economy in the management and administration of the undertaking and shall take all such steps as shall be reasonably practicable to work the undertaking to the best advantage of the parties to this Agreement.

(4) The Company shall maintain in proper condition all physical assets comprised in the undertaking to the reasonable satisfaction of the Government and will permit an authorised representative of the Government on producing his authority once in every year to enter upon the premises of the Company, where any such assets are in existence, to inspect such assets.

3. (1) There shall be established in Calcutta an Advisory Committee consisting of the following persons :—

(a) A Chairman appointed by the Government in consultation with the Company.

(b) Two members appointed by the Government.

(c) Two members appointed by the Company.

(2) The Advisory Committee shall consider any matter affecting any proposed extensions of the undertaking, alterations of routes where these involve a realignment of tracks, questions involving labour disputes, the fare schedule of the services carried on by the Company and capital expenditure and communicate their recommendation to the Government and the Company.

XXV of 1951.]

(The First Schedule.)

(3) The members of the Committee established under this clause shall hold and vacate their office in accordance with the terms of their respective appointments and shall on ceasing to be members of the Committee be eligible for re-appointment provided that any member may at any time by notice in writing served on the Government and on the Company resign his office.

(4) Upon the death or resignation of a member of the Committee or a member becoming incapable to act a new member shall be appointed in the place of the member so dying, resigning or becoming incapable.

4. (1) The Company shall apply its revenues in the manner following, that is to say :—

(a) Firstly, paying all expenses of managing, maintaining and working the undertaking, including debenture interest ;

(b) Secondly, paying all Indian and United Kingdom taxes payable by the Company ;

(c) Thirdly, setting aside in each accounting year in a Renewals and Replacements Reserve Account the sum of Eighty thousand pounds sterling or such greater sum as the Directors of the Company for the time being may in consultation with the Government consider necessary in the light of experience and in view of the expansion of the undertaking or increase in prices ;

(d) Fourthly, setting aside in each accounting year in a fund (hereinafter called "the Shareholders' Account") the following sums :—

(i) £87,457 together with

(ii) four per cent. upon any additional outside share capital raised by the Company with the consent of the Government after the date of this Agreement.

(e) Fifthly, accumulating any surplus in a special reserve account the balance of which (after providing for losses, if any) will eventually accrue to the benefit of the Government. (Before such transfer, however, of a loss against the credit standing in the Special Reserve Account, the Government should be consulted, the final decision on such matter nevertheless being reserved to the Company.)

(2) If in any accounting year the revenues arising from the undertaking are insufficient to provide for all the matters enumerated in the preceding sub-clause of this clause, such revenues shall be so applied in the priority there set out.

[West Ben. Act

(The First Schedule.)

5. (1) The Accounts of the Company for the year ending the thirty-first day of December One thousand nine hundred and fifty-one and for each subsequent year shall be made out in conformity with this Agreement.

(2) The dividends to Shareholders in respect of the year ending the thirty-first day of December One thousand nine hundred and fifty-one and each subsequent year shall be paid out of the Shareholders' Account.

(3) Any sum for the servicing of the Debenture-stock of the Company, that is to say, any sum set apart for, or used in, the repayment of the Debenture-stock of the Company shall, in the year ending the thirty-first day of December One thousand nine hundred and fifty-one and in each subsequent year, be paid out of the Shareholders' Account and be a charge on the same.

6. (1) The Company shall not raise additional outside share or loan capital without the consent in writing of the Government except in the case of temporary advances from the Company's Bankers in the ordinary course of business.

(2) The Company shall give notice in writing to the Government of its intention of incurring any capital expenditure in respect of expansions of the undertaking and if the Government shall within one month from the date of receiving any such notice intimate the Company in writing of its objection to such expenditure, the Company shall not incur such expenditure.

7. (1) Not later than twelve months before the purchase date the Government may serve upon the Company notice in writing (hereinafter called "a purchase notice") of its intention to acquire the undertaking on the purchase date.

(2) In the event of the Government serving a purchase notice the following provisions shall have effect, that is to say :—

(a) The Government shall subject to the exchange regulations and other relevant laws prevailing at the time in the United Kingdom and India pay to the Company in sterling in London not less than thirty days before the purchase date :

(i) the sum of £3,750,000 ;

(ii) a sum equal to the amount of any additional outside capital brought into the undertaking with the consent of Government under Clause 6(1) of the Agreement during the period between the date of this Agreement and the first day of January One thousand nine hundred and seventy-one.

(b) Subject to payment being made in terms of sub-clause (a) above, all the right, title and interest of the Company of and in the undertaking shall on the purchase date become vested in the Government free from all mortgages, charges and liens created by the issue of Debenture or Debenture-stocks of the Company :

XXV of 1951.]

(The First Schedule.)

Provided that the Company shall be entitled to retain all statutory books of account and other documents normally kept outside India but shall afford every facility to the Government to have inspection of same or take copies of or extracts therefrom.

(c) The Government shall also pay to the Company in sterling in London, the amount of the balance (if any) of the Shareholders' Account at the purchase date within one month after a certificate by the Company's Auditors of the amount thereof has been served on the Government.

(d) No further sum than is provided for in this clause shall be payable to the Company in respect of the transfer of the undertaking to the Government.

(3) From and after such vesting of the undertaking in the Government all powers, rights, obligations and liabilities excepting the liabilities in respect of the Share and Loans Capital of the Company shall be exercisable by and be binding on the Government in substitution for the Company and shall cease to be exercisable by or binding on the Company :

Provided that no contract entered into by the Company after the date of this Agreement and extending for more than one year beyond the purchase date shall be binding on the Government unless it has been previously approved by the Government.

8. If the Government does not serve a purchase notice in accordance with the last preceding clause, then all the terms and conditions of this Agreement shall continue in force subject to the following modifications ;—

(a) (i) The Government shall pay to the Company in sterling in London such sums as may from time to time be necessary to redeem the Second Debenture-stocks of the Company on their due dates ;

(ii) After the second Debenture-stocks have been redeemed as aforesaid the Company shall from time to time until the undertaking is vested in the Government pay to the Government sums equal to the interest which would have been payable on such Debenture-stocks had the same not been redeemed.

(b) (i) The Government shall on giving two years' notice to the Company be entitled to acquire the undertaking on the 1st day of January of any subsequent year and such date shall be the purchase date.

(ii) In the event of the undertaking being acquired in pursuance of a notice under this clause there shall be deducted from the sum payable under clause 7(2)(a)(i) hereof any sums which may have been paid by the Government in pursuance of paragraph (a)(i) of this Clause.

[West Ben. Act

(The First Schedule.)

9. This Agreement shall be binding subject to an Act of the Legislature of West Bengal confirming it by the thirty-first day of December One thousand nine hundred and fifty-one and making the same binding on the parties hereto and on all other persons, bodies and authorities having any rights or interest in the undertaking whether by statute, order, agreement or otherwise.

10. Where any notice or other document is required by this Agreement to be served, then if it is to be served on the Company it may be served by delivering it to the Agent of the Company in Calcutta or by sending it in a prepaid registered letter addressed to him at his office in Calcutta and if it is to be served on the Government it may be served by sending it in a prepaid registered letter addressed to the Chief Secretary to the Government at Writers' Buildings, Calcutta.

11. If any dispute or difference shall arise with reference to the construction of this Agreement or any clause herein or in respect of any act, deed, matter or thing done or omitted to be done by any of the parties to this Agreement, the decision whereof is not hereby otherwise provided for, the same shall be referred to an Arbitrator if agreed upon between the parties hereto or in default of such Agreement to two Arbitrators, one to be appointed by each party, the proceedings by the said Arbitrator or Arbitrators being held in Calcutta and the decision or award of the said Arbitrator or Arbitrators or Umpire as the case may be shall be final and binding on the parties and the provisions of the Arbitration Act, 1940, shall apply.

THE SCHEDULE above referred to—

Date. 1		Grantors. 2	Grantees. 3
2nd October, 1879	...	Corporation of the Town of Calcutta.	Dillwyn Parrish, Alfred Parrish and Robinson Souttar.
22nd November, 1879	..	Municipal Commissioners of the Suburbs of Calcutta.	Dillwyn Parrish, Alfred Parrish and Robinson Souttar.
2nd September, 1898	...	Corporation of Calcutta	Calcutta Tramways Company, Limited.
9th December, 1899	...	Corporation of Calcutta	Calcutta Tramways Company, Limited.
9th May, 1905	...	Municipal Commissioners of Howrah	Calcutta Tramways Company, Limited.
5th April, 1908	...	Municipal Commissioners of the South Suburban Municipality.	Calcutta Tramways Company, Limited.
17th January, 1938	...	Commissioners for the New Howrah Bridge.	Calcutta Tramways Company, Limited.

XXV of 1951.]

(The Second Schedule.)

IN WITNESS whereof the parties hereto have duly executed these presents the day and year first above written.

SIGNED for and on behalf of the Governor of the State of West Bengal by Binaybhusan Das Gupta, Secretary, Finance Department, Government of West Bengal, in the presence of

M. M. Sen,
Deputy Secretary,
Finance Department,
Government of West Bengal.

For and on behalf of the Governor of the State of West Bengal.

B. Das Gupta,
Secretary, Finance
Department,
Government of West
Bengal.

SIGNED and DELIVERED for and on behalf of the abovenamed The Calcutta Tramways Company, Limited, by its Constituted Attorney

A. C. T. Blease
in presence of

V. A. Smith,
Chief Accountant,
The Calcutta Tramways Co., Ltd.

For THE CALCUTTA
TRAMWAYS CO., LTD.

A. C. T. Blease,
Deputy Agent and
Constituted Attorney.

THE SECOND SCHEDULE.

[See section 5(1).]

Agreements.

Date.		Grantors.	Grantees.
1		2	3
2nd October, 1879	..	Corporation of the Town of Calcutta	Dillwyn Parrish, Alfred Parrish and Robinson Souttar.
22nd November, 1879	..	Municipal Commissioners of the Suburbs of Calcutta.	Dillwyn Parrish, Alfred Parrish and Robinson Souttar.
2nd September, 1893	...	Corporation of Calcutta	Calcutta Tramways Company Limited.
9th December, 1899	...	Corporation of Calcutta	Calcutta Tramways Company, Limited.
9th May, 1905	...	Municipal Commissioners of Howrah	Calcutta Tramways Company Limited.
5th April, 1908	...	Municipal Commissioners of the South Suburban Municipality.	Calcutta Tramways Company, Limited.
17th January, 1938	...	Commissioners for the New Howrah Bridge.	Calcutta Tramways Company, Limited.

West Bengal Act XXVI of 1951¹

• THE WEST BENGAL APPROPRIATION (No. 3) ACT, 1951.

[27th October, 1951.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal to the service of the year ending on the thirty-first day of March, 1952.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal to the service of the year ending on the thirty-first day of March, 1952 ;

It is hereby enacted as follows :—

1. This Act may be called the West Bengal Appropriation (No. 3) Act, 1951. Short title.

2. From and out of the Consolidated Fund of West Bengal there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Rupees thirty-six lakhs sixty-seven thousand and one towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1952, in respect of the services specified in column 2 of the Schedule. Issue of Rs. 36,67,001 out of the Consolidated Fund of West Bengal for the year 1951-52.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1952. Appropriation.

SCHEDULE.

1 Grant No.	2 Services and purposes.	3 Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.;
3	8—State Excise Duties	3,74,000	...	3,74,000
5	10—Forest	2,55,000	...	2,55,000
6	11—Registration	1,71,000	...	1,71,000
14	27—Administration of Justice	1,20,000	...	1,20,000
19	36—Scientific Departments	50,000	...	50,000
20	38—Medical	1	...	1
38	56—Stationery and Printing	7,50,000	...	7,50,000
34	57—Miscellaneous—Miscellaneous	9,47,000	...	9,47,000
41	Loans and Advances bearing interest	10,00,000	...	10,00,000
	Total	36,67,001	...	36,67,001

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 1st October, 1951, Part IV, Page 1518 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the West Bengal Legislative Assembly, held on the 8th October, 1951.

West Bengal Act XXIX of 1951¹

THE WEST BENGAL LAND DEVELOPMENT AND PLANNING (AMENDMENT) ACT, 1951.

[27th October, 1951.]

*An Act to amend the West Bengal Land Development and
Planning Act, 1948.*

West Ben.
Act XXI
of 1948.

WHEREAS it is necessary in the public interest to clarify what is and has always been the true intendment of sub-section (2) of section I of the West Bengal Land Development and Planning Act, 1948, and for that purpose to amend that Act in the manner hereinafter appearing ;

AND WHEREAS it is also necessary in the public interest to remove any doubts that may arise regarding the effect of such amendment of that Act ;

It is hereby enacted as follows :—

1. This Act may be called the West Bengal Land Development and Planning (Amendment) Act, 1951. Short title.

2. [Addition of Explanation to sub-section (2) of section 1 of West Ben. Act XXI of 1948.—Incorporated in the principal Act.]

2. For the avoidance of doubt it is hereby declared that—

(1) (a) every suit or proceeding for declaring the acquisition of any land under the said Act invalid, and

(b) every appeal or application for review or revision arising out of such suit or proceeding,

pending at the date of commencement of this Act shall, if the suit, proceeding, appeal or application could not have been validly instituted, preferred or made had this Act been in operation at the date of the institution, the preferring or the making thereof, abate ;

(2) every decree passed or order made, before the commencement of this Act, declaring the acquisition of any land under the said Act invalid shall, if the decree or order could not have been validly passed or made had this Act been in operation at the date of the passing or making thereof, be void ;

(3) whenever any suit, proceeding, appeal or application abates under clause (1) or any decree or order becomes void under clause (2), all fees paid under the Court-fees Act, 1870, shall be refunded to the parties by whom the same were respectively paid.

Certain
suits and
proceed-
ings to
abate and
certain
decrees
and orders
to be void.

VII of
1870.

¹For Statement of Objects and Reasons, see the Calcutta Gazette, Extraordinary, dated the 12th September, 1951, Pt. IV, page 1166 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the West Bengal Legislative Assembly, held on the 18th September, 1951.

West Bengal Act XXX of 1951¹

THE UNIVERSITY OF CALCUTTA (MATRICULATION EXAMINATION) ACT, 1951.

[2nd November, 1951.]

An Act to provide for the discontinuance of the Matriculation Examination of the University of Calcutta.

WHEREAS it is expedient that with effect from the year 1952 the University of Calcutta shall not hold the Matriculation Examination or any examination equivalent thereto ;

It is hereby enacted as follows :—

1. (1) This Act may be called the University of Calcutta (Matriculation Examination) Act, 1951.

Short title
and com-
mence-
ment.

(2) It shall come into ²force on such date as the State Govern-
ment may, by notification in the *Official Gazette*, appoint.

2. In this Act,—

Definitions.

(a) “Matriculation Examination” means the examination commonly known as the Matriculation Examination of the University of Calcutta ; and

(b) “University of Calcutta” means—

(i) prior to the appointed day referred to in clause (b) of section 2 of the Calcutta University Act, 1951, the University of Calcutta as constituted under the Calcutta University Act, 1857 and the Indian Universities Act, 1904,

(ii) and thereafter, the University of Calcutta as constituted under the Calcutta University Act, 1951.

3. Notwithstanding anything to the contrary in any other law, with effect from the year 1952,—

University
of Calcutta
not to hold
Matricula-
tion or
equivalent
examina-
tion and
Board of
Secondary
Education
to hold its
Final
Examina-
tion.

(i) the University of Calcutta shall not hold or cause to be held the Matriculation Examination, or any other examination equivalent thereto ; and

(ii) the Board of Secondary Education shall annually or at such intervals as it thinks fit, hold its Final Examination, qualifying for admission to a course of study instituted by the University of Calcutta.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 6th September, 1951, Pt. IV, page 1126 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the West Bengal Legislative Assembly, held on the 21st September, 1951.

²This Act came into force on the 22nd December, 1951. *Vide* notification No. 6182Edn./1U-40/50, dated the 21st December, 1951, published in the *Calcutta Gazette, Extraordinary*, dated the 21st December, 1951. Pt. I, page 1918.

West Bengal Act XXXI of 1951¹

THE INDIAN REGISTRATION (WEST BENGAL AMENDMENT) ACT, 1951.

[2nd November, 1951.]

An Act further to amend the Indian Registration Act, 1908, in its application to West Bengal.

XVI of
1908.

WHEREAS it is expedient further to amend the Indian Registration Act, 1908, in its application to West Bengal for the purpose and in the manner hereinafter appearing ;

It is hereby enacted as follows :

1. (1) This Act may be called the Indian Registration (West Bengal Amendment) Act, 1951.

Short title
and extent.

(2) It extends to the Whole of West Bengal.

2. For section 55A of the Indian Registration Act, 1908, the following section shall be substituted, namely :—

Substitu-
tion of new
section for
section 55A
of Act XVI
of 1908.

“Copies of books and indexes to be as good as original books and indexes in certain cases.

55A. Notwithstanding anything contained in any other law for the time being in force, copies of any of the books mentioned in sub-section

(1) of section 51, and of any of the indexes mentioned in section 55, relating to documents registered on or before the 14th day of August, 1947 in registration offices situate in districts or sub-districts which as a result of the award of the Boundary Commission appointed under section 3 of the Indian Independence Act, 1947 have fallen partly within West Bengal and partly within East Bengal, shall, on being authenticated in such manner as may be prescribed by the Inspector-General, be deemed for the purposes of this Act to have taken the place of, and to be, the original books and indexes from which such copies were made and all references in this Act to books and indexes shall be construed as including references to such copies.”

10 & 11
Geo. VI, c.
80.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 14th September, 1951, Pt. IV, page 1170 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the West Bengal Legislative Assembly, held on the 3rd October, 1951.

West Bengal Act XXXIII of 1951

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SCHEDULE XXIII.

MODIFICATION OF THE CALCUTTA MUNICIPAL ACT, 1923, AS EXTENDED TO THE MUNICIPALITY OF HOWRAH.

West Bengal Act XXXIII of 1951

THE CALCUTTA MUNICIPAL ACT, 1951¹.

AMENDED

(West Ben. Act VIII of 1952.
West Ben. Act XIX of 1953.
West Ben. Act I of 1955.
West Ben. Act XII of 1958.
West Ben. Act XXI of 1958.
West Ben. Act XII of 1959.
West Ben. Act IV of 1960.
West Ben. Act XIV of 1960.
West Ben. Act IV of 1962.
West Ben. Act XIV of 1962.
West Ben. Act XXV of 1962.
West Ben. Act VII of 1963.
West Ben. Act XVI of 1964.
West Ben. Act XVIII of 1964.
(West Ben. Act IV of 1965.

REPEALED IN PART
AND AMENDED.

... West Ben. Act XX of 1958.

(14th February, 1952.)

An Act to amend and consolidate the law relating to the municipal affairs of Calcutta. Preamble.

Whereas it is expedient to amend and consolidate, in the manner hereinafter appearing, the law relating to the municipal affairs of Calcutta ;

It is hereby enacted as follows :—

PART I

CHAPTER I.

Preliminary.

Page 243—

1. (1) This Act may be called the Calcutta Municipal Act,

*Omit sub-sections (2) and (3) of section 1.

(Omitted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

ressly provided, it

te² as the State Gazette, appoint.

[No. 2, dated the 1st May, 1970.]

Short title,
application
and com-
mencement.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, of 1951, dated the 22nd February, 1951, Pt. IV, pages 534-535 ; and for Report of the Select Committee, see *ibid*, 1951, dated the 21st September, 1951, Part IV, pages 1188-1494 ; and for Proceedings in the West Bengal Legislative Assembly, see the Proceedings of the meetings of the West Bengal Legislative Assembly held on the 5th, 21st and 28th March, 1951 and 27th and 28th September, 1951, the 3rd, 4th, 25th, 26th, 30th and 31st October and 1st November, 1951.

²The Act was brought into force on the 1st day of May, 1952, vide Notification No. M. 1A-19/52, dated the 17th April, 1952, published in the *Calcutta Gazette*, dated the 24th April, 1952, Part I, page 1242.

[West Ben. Act

(Part I.—Chapter I.—Preliminary.—Sections 2—5.)

Repeal of
enactments
and
savings.

2. (1) The Calcutta Municipal Act, 1923, is hereby repealed.

Ben. Act
III of
1923.

(2) Every budget passed, loan taken, assessment, plan of a projected public street, measurement or division made, standard plan of a *bustee* approved, license, permission or sanction granted and debenture or notice issued under the Calcutta Municipal Act, 1899, or under the Calcutta Municipal Act, 1923, shall, so far as it is in force at the commencement of this Act, be deemed to have been respectively passed, taken, made, approved, granted or issued under this Act, and shall (unless ¹* altered, modified, cancelled, repaid, suspended, surrendered or withdrawn, as the case may be, under this Act) remain in force for the period (if any) for which it was so passed, taken, made, approved, granted or issued.

Ben. Act
III of
1899.

Property
vested in
the Cor-
poration.

3. All properties movable and immovable and all interests of whatsoever nature or kind therein, vested in the Corporation of Calcutta as constituted under the Calcutta Municipal Act, 1923, at the commencement of this Act with all rights of whatsoever description used, shall be deemed under this Act. age 244—

*Omit sections 2 and 4.

Transfer
of liabili-
ties.

4. All contrac (Omitted by West Ben. Act XVII of 1965, section 6 and Schedule B.)
of Calcutta as c
1923, may, so far
of this Act, be
Calcutta as consti

[No. 2, dated the 1st May, 1970.]

Definitions.

5. For the purposes of this Act, unless there is anything repugnant in the subject or context,—

“Adulterated”.

(1) an article shall be deemed to be “adulterated”—

(a) in the case of drugs—

if its strength, quality or purity falls below the professed standard under which it is sold or exposed for sale ;

(b) in the case of confectionery—

if it contains any mineral substance or poisonous colouring or flavouring matter or other ingredients deleterious or detrimental to health ; and

(c) in the case of food—

(i) if any substance has been mixed or packed with it so as to reduce or lower or harmfully affect its quality or strength, or

¹The word “previously” was omitted by sec. 2 of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1958).

XXXIII of 1951.]

(Part I.—Chapter I.—Preliminary.—Section 5.)

- (ii) if any substance has been substituted wholly or in part for the article, or
- (iii) if any normal constituent of the article has been wholly or in part abstracted, or
- (iv) if it is mixed, coloured, powdered, coated or stained in a manner whereby deterioration or inferiority is concealed, or
- (v) if it does not comply with the standard prescribed therefor by or under this Act or under any other law for the time being in force, or
- (vi) if it contains or is mixed or diluted with any substance in any quantity to the prejudice of the purchaser or consumer or in any proportion which diminishes in any manner its food value or nutritive properties as compared with the same in a pure or normal state and in an undeteriorated and sound condition, or
- (vii) if it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health, or
- (viii) if it is not of the nature, substance or quality which it purports or is represented to be ;

(2) "agent" in section 73 and in Schedule II includes an election agent ; "Agent".

(3) "assessment-book" means the municipal assessment-book prescribed by section 185 and includes any books subsidiary thereto ; "Assessment-book".

(4) "Borough Committee" means a Standing Committee constituted under section 16, clause (b) of sub-section (1) ; "Borough Committee".

(5) "budget-grant" means a sum entered on the expenditure side of the Budget Estimates which have been finally adopted, and includes also any sum by which a budget-grant is at any time increased by a transfer under clause (c) of sub-section (1) of section 128 ; "Budget-grant".

(6) "building" includes a house, outhouse, stable, privy, urinal, shed, hut, wall (other than a boundary wall not exceeding ¹[three metres] in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever, but does not include a *hogla* or other similar kind of temporary shed erected on ceremonial or festive occasions ; "Building".

¹These words were substituted for the words "ten feet" by clause (i) of sec. 2 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

[West Ben. Act

(Part I.—Chapter I.—Preliminary.—Section 5.)

"Building-line".

(7) "building-line" means the line which is in rear of the street alignment and up to which the main wall of a building on a land abutting on a street or projected public street may lawfully extend ;

"Building of the warehouse class".

(8) "building of the warehouse class" means a building, the whole, or a substantial part of which, is used, or intended to be used, as a warehouse, factory, manufactory, brewery, or distillery, or for any similar purpose, which is neither a "domestic building", nor a "public building" as defined in this section, and includes a hut used or intended to be used for any of the purposes mentioned in this clause ;

"Building surveyor".

(9) "building surveyor" includes a building engineer and a building architect ;

"Bustee"

(10) "bustee" means an area containing land occupied by, or for the purposes of, any collection of huts standing on a plot of land not less than ¹[seven hundred square metres] in area ;

Explanation.—If any question arises as to whether any particular area is or is not a "bustee", the Corporation shall decide shall be final ;

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*In s.

(a) use (II) ;

area described in Schedule I ;

"Candidate".

(12) "candidate" in section 73 and in Schedule II means a person who has been nominated as a candidate at any election of a Councillor or who claims that he has been so nominated or that his nomination has been improperly refused, and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate at such election, provided that he is subsequently nominated as a candidate at such election ;

"Carriage".

(13) "carriage" means any wheeled vehicle, with springs or other appliances acting as springs, which is ordinarily used for the conveyance of human beings, and includes a jin-rickshaw, cycle-rickshaw, bicycle or tricycle, but does not include a perambulator or other form of vehicle designed for the conveyance of small children ;

"Cart".

(14) "cart" means any cart, hackery or wheeled vehicle with or without springs, which is not a "carriage" as defined in this section, and includes a hand-cart, but does not include any wheeled vehicle which is propelled by mechanical power or its trailer ;

"Commissioner".

(15) "Commissioner" means the Commissioner appointed under section 19 and includes a person appointed to officiate as Commissioner ;

"Connected-privy".

(16) "connected-privy" means a privy which is directly connected with a sewer ;

¹These words were substituted for the words "ten cottahs" by clause (ii) of sec. 2 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

(Part I.—Chapter I.—Preliminary.—Section 5.)

(17) "connected-urinal" means a urinal which is directly connected with a sewer ; "Connected-urinal".

(18) "corrupt practice" means any act deemed to be a corrupt practice under the provisions of Schedule II ; "Corrupt practice".

(19) the expression "cubical extent" when used with reference to the measurement of a building, means the space contained within the external surfaces of its walls and roof and the upper surface of the floor of its lowest or only storey ; "Cubical extent".

(20) "dairy" includes any farm, cattle-shed, cow-house, milk-store, milk-shop or other places— "Dairy".

(a) from which milk is supplied on or for sale, or

(b) in which milk is kept for purposes of sale or used for manufacture or preparation for sale of any of the following articles—

(i) butter,

(ii) ghee,

(iii) cheese,

(iv) curds, and

(v) dried, sterilized, or condensed or toned milk ;

but does not include—

(a) a shop or other place in which milk is sold for consumption on the premises only, or

(b) a shop or other place from which milk is sold or supplied in hermetically-closed and unopened receptacles in the same original condition in which it was first received in such shop or other place ;

(21) "dairyman" includes any occupier of a dairy, any cow-keeper who trades in milk, or any seller of milk whether wholesale, or by retail ; "Dairy-man".

(22) "dangerous disease" means—

"Dangerous disease".

(a) cholera, plague, small-pox, cerebrospinal meningitis, diphtheria, tuberculosis, leprosy and syphilis ; and

(b) any other epidemic, endemic, or infectious disease which the State Government may, by notification in the *Official Gazette*, declare to be a dangerous disease for the purposes of this Act ;

¹For notification declaring as dangerous disease—

(a) Influenza, see notification No. P.H./2223/2D-1/57, dated 16.5.57, published in the *Calcutta Gazette, Extraordinary* of 1957, Part I, page 1980 b ;

(b) Encephalitis, see notification No. P.H./3316/1D-20/58, dated 9.8.58, published in the *Calcutta Gazette*, of 1958, Part I, page 2848 ;

(c) Pollomyelitis, see notification No. P.H./3400/1D-19/58, dated 12.8.58, published in the *Calcutta Gazette* of 1958, Part I, page 2848.

[West Ben. Act

(Part I.—Chapter I.—Preliminary.—Section 5.)

- "Depot".** (23) "depot" means a place where articles are stored, whether for sale or otherwise but not for domestic consumption or use, in quantities exceeding ¹[two thousand kilograms]
- "Domestic building".** (24) "domestic building" includes a dwelling house and any other masonry building which is neither a "building of the ware-house class" nor a "public building", as defined in this section, nor a place exclusively used for private worship ;
- "Domestic purposes".** (25) "d (b) in clause (25),— tion to the supply of water shal (i) for sub-clause (a) , substitute the following sub-clause, namely:—
 (a) fo "(a) for washing carriages, where such carriages are kept for sale or hire," ;
 (b) fo
 (c) fo (ii) omit sub-clauses (f) and (g).
 (d) fo (Omitted and substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)
 (e) fo
 (f) fi [No. 2, dated the 1st May, 1970.]
 (g) for flushing purposes ;
- "Drain".** (26) "drain" includes a sewer, a house-drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other device for carrying off sullage, sewage, offensive matter, polluted water, rain-water or sub-soil water ;
- "Drug".** (27) "drug" means any substance used as medicine or in the composition or preparation of medicines, whether for internal or external use but does not include a drug within the meaning of clause (b) of section 3 of the Drugs Act, 1940 ;
- "Dwelling house".** (28) "dwelling house" means a masonry building constructed, used or adapted to be used wholly or principally for human habitation ;
- "Edible oil".** (29) "edible oil" means cocoanut oil, cotton seed oil, ground-nut oil, olive oil, til (sesame) oil, in their pure state, imported salad oil labelled as such, any vegetable oil prepared by any hardening process such as hydrogenation, labelled as such and bearing in the label in English and Bengali the names of the oils entering into its composition, and any other oil that the State Government may, by notification in the *Official Gazette*, declare to be an edible oil for the purposes of this Act ;
- "Edible fat".** (30) "edible fat" means fat that is prepared in a manner approved by the Health Officer of the Corporation from healthy goats, sheep, pigs, cows, buffaloes, or any other animal that the State Government may, by notification in the *Official Gazette*, specify for the purposes of this clause ;
- "Election agent".** (31) "election agent" means the person appointed under section 56, sub-section (2), by a candidate as h's agent for an election ;

XXIII
of 1940.

¹These words were substituted for the words "fifty maunds" by clause (iii) of sec. 2 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964),

XXXIII of 1951.]

(Part I.—Chapter I.—Preliminary.—Section 5.)

- (32) “filtered water” means water intended for domestic use and tested for its potability and purity and found fit for such purposes ; “Filtered water”.
- (33) “food” includes every article used for food or drink by man, other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food ; and also includes confectionery, flavouring and colouring matters and spices and condiments ; “Food”.
- (34) “habitable room” means a room constructed or adapted for human habitation ; “Habitable room”.
- (35) “half year” means half of a financial year ; “Half year”.
- (36) “house-drain” means any drain of, and used for the drainage of, one or more premises ; “House-drain”.
- (37) “house-gully” means a passage or strip of land contructed, set apart or utilized for the purpose of serving as a drain or of affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter to municipal servants or to persons employed in the cleansing thereof or in the removal of such matter therefrom and includes the air space above such passage or land ; “House-gully”.
- (38) “hut” means any building, no substantial part of which, excluding the walls up to a height of ¹[fifty centimetres] above the floor or floor level, is constructed of masonry, reinforced concrete, steel, iron or other metal ; “Hut”.
- (39) “infectious disease” or “communicable disease” means any disease which may be transmitted from one person to another and declared as such by the State Government by notification in the *Official Gazette* ; “Infectious disease or communicable disease”.
- (40) “inhabited room” means a room in which some person passes the night, or which is used as a living room, and includes a room with respect to which there is a reasonable presumption (until the contrary is shown) that some person passes the night therein or that it is used as a living room ; “Inhabited room”.
- (41) “label” includes any tag, brand, mark or statement in writing on or attached to or used in connection with any package containing any article of food, drug or substance ; “Label”.
- ²(41a) the expression “land or building” includes a *bustee* ; “Land or building”.
- (42) the expression “market” shall be deemed to be synonymous with the expression “bazar” and means— “Market, Bazar”.

¹These words were substituted for the words “eighteen inches” by clause (iv) of sec. 2 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Clause (41a) was inserted by sec. 3(1) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

[West Ben. Act

(Part I.—Chapter I.—Preliminary.—Section 5.)

(a) a place where persons assemble for the sale of meat, fish, fruit, vegetables, live-stock, or any other article of food of a perishable nature, whether or not there is any collection of shops, or ware-houses or stalls for the sale of other articles in such place, or

(b) any place of trade other than a place referred to in clause (a) where there is a collection of shops or ware-houses or stalls exceeding a number to be prescribed by the Corporation by rules,

which is declared and licensed by the Corporation as a market ;

"Masonry building".

(43) "masonry building" means any building other than a hut and includes any structure a substantial part of which is made of masonry, reinforced concrete, steel, iron or other metal ;

"Milk".

(44) "milk" includes cream, skimmed milk, separated milk and condensed, sterilized, desiccated or toned milk ;

"Mis-branded".

(45) all drugs or articles of food which enter into the composition of food, the package, mark or label of which bears any statement, design or device regarding such drugs or articles or the ingredients or substances contained therein as may be false or may mislead in any particular, shall be deemed to be "mis-branded" and a drug or an article of food shall also be deemed to be misbranded, if it is offered for sale under the name of another drug or article of food ;

"Municipal drain".

(46) "municipal drain" means a drain vested in the Corporation ;

"Municipal Market".

(47) "municipal market" means a market belonging to or maintained by the Corporation ;

"Municipal slaughter-house".

(48) "municipal slaughter-house" means a slaughter-house belonging to or maintained by the Corporation ;

"New building".

(49) the expression "new building" means and includes—

(a) any building constructed or in the process of construction after the commencement of this Act,

(b) any building which, having collapsed or having been demolished or burnt down for more than one-half of its cubical extent, is re-constructed wholly or partially after the commencement of this Act, whether the dimensions of the re-constructed building are the same as those of the original building or not,

(c) any hut which is converted into a masonry building after the commencement of this Act, and

(d) any building not originally constructed for human habitation which is converted into a place for human habitation after the commencement of this Act ;

XXXIII of 1951.]

(Part I.—Chapter I.—Preliminary.—Section 5.)

Explanation.—Sub-clause (b) applies whether more than half the cubical extent has collapsed or been demolished or burnt down at the same time or at different times ;

(50) “nuisance” includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance, or offence to the sense of sight, smell or hearing or disturbance to rest or sleep, or which is or may be dangerous to life or injurious to health or property ;

“Nui-
sance”.

(51) “occupier” includes any person for the time being paying, or liable to pay, to the owner the rent or any portion of the rent of the land or building in respect of which the word is used or for damages on account of the occupation of such land or building, and also a rent-fee tenant :

“Occu-
pier”.

Provided that an owner living in or otherwise using his own land or building shall be deemed to be the occupier thereof ;

(52) “offensive matter” means a kitchen or stable refuse, dung, dirt, putrid or putrefying substances, and filth of any kind which is not included in “sewage” as defined in this section ;

“Offensive
matter”.

(53) “owner” includes the person for the time being receiving the rent of any land or building or of any part of any land or building, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or as a receiver or who would so receive such rent if the land, building or part thereof were let to a tenant ;

“Owner”.

(54) “package” includes every means by which goods for carriage or for storage or for sale are cased in, covered, enclosed, contained or packed ;

“Package”.

(55) “party-wall” means a wall forming part of a building and used or constructed to be used for the support and separation of adjoining buildings belonging to different owners or constructed or adapted to be occupied by different persons ;

“Party-
wall”.

(56) the word “platform”, when used with reference to a privy, means the surface containing the aperture through which the sewage passes into the receptacle or sewer ;

“Plat-
form”.

(57) “private street” means any street, road, lane, gully, alley, passage or square which is not a “public street” as defined in this section, and includes any passage securing access to four or more premises, belonging to the same or different owners, but does not include a passage provided in effecting a partition of any masonry building amongst joint owners where such passage is less than ¹[two meters and fifty centimeters] wide ;

“Private
street”.

(58) “public analyst” means any person to be appointed by the Corporation to perform the duties and to exercise the powers of a public analyst prescribed by this Act ;

“Public
analyst”.

¹These words were substituted for the words “eight feet” by clause (v) of sec. 2 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

[West Ben. Act

*(Part I.—Chapter I.—Preliminary.—Section 5.)***"Public building".**

(59) "public building" means a masonry building constructed, used or adapted to be used—

- (a) as a place of public worship, or as a school, college or other place of instruction (not being a dwelling house so used), or as a hospital, work-house, public theatre, public cinema, public hall, public concert-room, public ball room, public lecture-room, public library or public exhibition room, or as a public place of assembly, or
- (b) for any other public purpose, or
- (c) as an hotel, lodging-house, home, refuge or shelter, where the building exceeds in cubical extent ¹[seven thousand cubic metres] or has sleeping accommodation for more than one hundred persons ;

"Public street".

(60) "public street" means any street, road, lane, gully, alley, passage, pathway, square or court, whether a thoroughfare or not, over which the public have a right of way, and includes—

- (a) the roadway over any public bridge or causeway,
- (b) the footway attached to any such street, public bridge or causeway, and
- (c) the drains attached to any such street, public bridge or causeway,

and, where there is no drain attached to any such street, shall, unless the contrary is shown, be deemed to include also, all land up to the outer wall of the premises abutting on the street, ²[or, where a street alignment has been fixed, and the area within such alignment has been acquired by the Corporation, and the alignment has been demarcated or is capable of being demarcated, then up to such alignment ;]

"Rate-payer".(61) "ratepayer" means a person liable to pay any rate ³[tax or license fee] under this Act ;**"Registered medical practitioner".**

(62) "registered medical practitioner" means a medical practitioner registered under the Bengal Medical Act, 1914 ;

Ben. Act
VI of 1914.**"Reside".**

(63) (a) a person shall be deemed to "reside" in any dwelling house or hut which, or some portion of which, he sometimes, although not uninterruptedly, uses as a sleeping apartment, and

¹These words were substituted for the words "two hundred and fifty thousand cubic feet" by clause (iv) of sec. 2 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "or, if a street alignment has been fixed, then up to such alignment ;" by sec. 3(2) of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1958).

³These words were substituted for the words "or tax" by sec. 3(3), *ibid.*

XXXIII of 1951.]

(Part I.—Chapter I.—Preliminary.—Section 5.)

(b) a person shall not be deemed to cease to “reside” in any such dwelling house or hut merely because he is absent from it or has elsewhere another dwelling house or hut in which he resides, if there is the liberty of returning to it at any time and no abandonment of the intention of returning to it ;

(64) “rubbish” means dust, ashes, broken bricks, mortar, broken glass, and refuse of any kind which is not “offensive matter” as defined in this section ; “Rubbish”.

(65) “service-privy” means a fixed privy which is cleansed by hand, but does not include a movable commode ; “Service-privy”.

(66) “service-urinal” means a fixed urinal which is cleansed by hand ; “Service-urinal”.

(67) “sewage” means night-soil and other contents of privies, urinals, cesspools or drains, and includes trade effluents and discharges from manufactories of all kinds ; “Sewage”.

(68) “sky-sign” means any word, letter, model, sign, device or other representation, in the nature of an advertisement, announcement or direction, which is supported on or attached to any post, pole, standard, framework or other support wholly or in part upon, over or above any building or structure and which is wholly or in part visible against the sky from any point in any street or public place, and includes— “Sky-sign”.

(a) every part of such support, and

(b) any balloon, parachute or similar device employed wholly or in part for the purposes of any advertisement or announcement, on, over or above any building, structure or erection of any kind, or on or over any street or public place ;

but shall not be deemed to include—

(i) any flagstaff, pole, vane or weathercock, unless adopted or used wholly or in part for the purposes of any advertisement or announcement,

(ii) any sign on any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building, on the cornice or blocking—course of any wall, or to the ridge of a roof, if such contrivance be of one continuous face and not open work and does not extend in height more than ¹[one metre] above any part of such wall, parapet or ridge, or

¹These words were substituted for the words “three feet” by clause (vi) of sec. 2 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

[West Ben. Act

(Part II.—Chapter II.—The Municipal Authorities.—
Section 6.)

(iii) any representation which relates exclusively to the business of a railway administration as defined in the Indian Railway Act, 1890, and which is placed wholly upon or over any railway, railway station, yard, platform or station approach, or premises belonging to such railway administration, and which is also so placed that it could not fall into any street or public place ;

IX of 1890.

"Slaughter-house". (69) "slaughter-house" means any place used for the slaughter of cattle, sheep, goats, kids or pigs for the purpose of selling the flesh thereof as meat ;

"Standing Committee". (70) "Standing Committee" includes, except in sections 14 and 15, a Borough Committee ;

Explanation.—Whenever in this Act the expression "Standing Committee" occurs it shall, unless the context otherwise requires, be deemed to refer to the particular Standing Committee to which the powers, duties and functions in connection with which the expression is used are assigned by this Act or by rules or by-laws or regulations ;

"Street". (71) "street" means a public or private street ;

"Street alignment". (72) "street alignment" means the line dividing the land comprised in and forming part of a street from the adjoining land ; and

"Year". (73) "year" means a financial year.

PART II

Constitution and Government

CHAPTER II.

The Municipal Authorities.

The several authorities.

The several authorities. 6. The municipal authorities charged with carrying out the provisions of this Act are—

- (a) the Corporation,
- (b) the Standing Committee, and
- (c) the Commissioner.

XXXIII of 1951.]

(Part II.—Chapter II.—The Municipal Authorities.—
Sections 7—9.)

The Corporation.

7. The Corporation shall consist of the following members, namely—

- (a) ¹[one hundred and one] Councillors of whom—
 - (i) ¹[one hundred] shall be elected, and
 - (ii) one shall be the Chairman of the Trustees for the Improvement of Calcutta (*ex-officio*), and

(b) five Aldermen to be elected by the Councillors as provided in section 9,

and shall by the name of the Corporation of Calcutta be a body corporate and have perpetual succession and a common seal and may by such name sue and be sued.

8. The ²[one hundred] Councillors referred to in sub-clause (i) of section 7, clause (a), shall be elected by the constituencies, each ward referred to in Schedule V constituting a constituency and each constituency electing one Councillor.

Constitution and incorporation of the Corporation.

Constituencies.

Election of Aldermen.

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³In sub-section (1) of section 9, for the words, figure and held after letter "section 7, clause (b)", substitute the words, figures and within such letter "clause (b) of sub-section (1) of section 4 of the Howrah Municipal Act, 1965,".

(Substituted by West Ben. Act XVII of 1965, section 6 or election and Schedule B.) llor from

[No. 2, dated the 1st May, 1970.] preceding

Provided further that no Councillor shall be entitled to be elected as an Alderman.

(2) A meeting for the election of Aldermen shall be called by the Commissioner.

¹The words "eighty-one" and "eighty" were first substituted for the words "seventy-six" and "seventy-five", respectively, by sec. 4 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953). Thereafter the words "one hundred and one" and "one hundred" were substituted for the words "eighty-one" and "eighty", respectively, by clauses (a) and (b), respectively, of section 2 of the Calcutta Municipal (Amendment) Act, 1964 (West Ben. Act XVI of 1964).

²The word "eighty" was first substituted for the word "seventy-five" by sec. 5 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953). Thereafter the words "one hundred" were substituted for the word "eighty" by sec. 3 of the Calcutta Municipal (Amendment) Act, 1964 (West Ben. Act XVI of 1964).

³For the Calcutta Corporation Aldermen Election Rules, 1952, made under secs. 9 and 69 of the Act, see notification No. M.3R-12/52, dated 10.6.52, published in the *Calcutta Gazette*, of 1952, Part I, pages 1938-1939.

ge 255—
*Omit sec
and
itted by West Ben. Act XVI
Schedule B.

965, section 6 and

[No. 2, "

[West Ben. Act

*(Part II.—Chapter II.—The Municipal Authorities.—
Sections 10—13.)*

(3) If there is any dispute as to the election of an Alderman the matter shall be referred to for the decision of the State Government. The State Government shall, after making such enquiry, if any, and in such manner as it thinks fit, decide the matter and its decision shall be final. If the State Government sets aside any such election, a fresh election shall be held.

Annual
election
of Mayor
and
Deputy
Mayor.

10. (1) The Corporation shall at its first meeting in each year elect one of its members to be Mayor and another member to be Deputy Mayor.

(2) On the occurrence of any vacancy in the office of the Mayor or the Deputy Mayor, the Corporation shall ¹[within one month of] the occurrence of such vacancy elect one of its members as Mayor or Deputy Mayor, as the case may be.

Resigna-
tion of
Mayor,
Deputy
Mayor,
Councillors
and
Aldermen.

11. (1) The Deputy Mayor or any Councillor or Alderman other than Mayor may resign his office by giving notice to the Mayor ; the Mayor may resign his office by giving notice to the Corporation.

(2) A resignation under sub-section (1) shall take effect from the date specified for the purpose in the notice of resignation, or if no such date is mentioned, from the date of its receipt by the Mayor or the Corporation, as the case may be.

Term of
office of the
Mayor and
the Deputy
Mayor.

12. The Mayor or the Deputy Mayor shall hold office from the time of his election until the election of his successor in office, unless in the meantime he resigns his office as Mayor or Deputy Mayor or his term of office as Councillor or Alderman is in any manner determined or unless in the case of the Deputy Mayor he is elected as Mayor.

Discharge
of functions
of the
Mayor
by the
Deputy
Mayor.

13. (1) When the office of the Mayor is vacant, the powers, duties and functions of the Mayor shall be exercised and discharged by the Deputy Mayor until a new Mayor is elected.

(2) When the Mayor is absent from his duties on account of illness or any other cause, the Deputy Mayor shall act as the Mayor.

(3) The Mayor may, by an order in writing, delegate any of his powers, duties and functions to the Deputy Mayor.

¹These words were substituted for the words "at the meeting next after" by sec. 6 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

XXXIII of 1951.]

(Part II.—Chapter II.—The Municipal Authorities.—
Sections 13A—15.)

age 257—

*In section 13A,—

- (a) omit clause (a),
- (b) in clause (b),—

- (i) for the words “ten rupees”, substitute the words “twenty rupees”, and
- (ii) for the words “fifty rupees”, substitute the words “one hundred rupees”.

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Payment of
honorarium
and allow-
ances to
Councillors
and
Aldermen.

(Omitted and substituted by West Ben. Act XVII of 1965,
section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

or as soon as may be at any meeting subsequent thereto constitute Standing Committees for dealing respectively with—

- ³(i) Finance and Establishment,
- ³(ii) Education,
- ³(iii) Health and Bustee Improvement,
- ³(iv) Water-supply, Drainage and Sewage-disposal, and
- ³(v) Works and Town Planning.

Consti-
tution of
Standing
Commit-
tees.

age 257—

*In sub-section (1) of section 15, for the words “twelve”, substitute the word “ten”.

(Substituted by West Ben. Act XVII of 1965, section 6
and Schedule B.)

Compo-
sition of
Standing
Commit-
tees.

[No. 2, dated the 1st May, 1970.]
such persons
not being Councillors or Aldermen and not exceeding two in
number and for such term as it thinks fit :

Provided that no person shall be associated with more than
two Standing Committees at the same time.

* (3) Persons associated with a Standing Committee under
sub-section (2) shall be deemed to be members thereof but
shall not have the right to vote at meetings of the Standing
Committee.

¹Section 13A was inserted by sec. 8 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words “after a general election” by sec. 4 (a), *ibid.*

³These clauses were substituted for the existing clauses (i) to (ix) by sec. 4 (b), *ibid.*

⁴This word was substituted for the word “ten” by sec. 5(a), *ibid.*

⁵Sub-section (2) was substituted for the existing sub-section (2) by sec. 5(b), *ibid.*

⁶Sub-section (3) was substituted for the existing sub-section (3) by sec. 5(c), *ibid.*

[West Ben. Act

(Part II.—Chapter II.—The Municipal Authorities.—
Section 16.)

¹(3a) If a person associated with any Standing Committee under sub-section (2) fails to attend six consecutive meetings of such Committee without the leave of the Committee, his term of office as a person associated with such Committee shall cease.

²(4) A Councillor or an Alderman elected to be a member of a Standing Committee or a person associated with a Standing Committee by an order under sub-section (2) shall hold office as such, unless, he sooner resigns the same, from the date of his election or of such order until his successor in office is elected or associated, as the case may be, or until his term of office as Councillor or Alderman or as such person is in any manner determined, whichever is earlier.

(5) When a vacancy occurs in the membership of a Councillor or Alderman in a Standing Committee, or in the office of a person associated with a Standing Committee under sub-section (2), ³[the Corporation or the State Government, as the case may be,] shall fill up the vacancy, as soon as may be, and in any case within one month of the occurrence of the vacancy, by the election of another Councillor or Alderman or by associating another person as provided in sub-section (2). The person so elected or so associated shall hold office for ⁴[the residue of the term of office of the Councillor or Alderman in the Standing Committee in whose place he is elected or of the person in whose place he is associated.]

Borough
Commit-
tees.

16. (1) The Corporation shall at its first meeting after a general meeting subsequent thereto—

⁵In clause (a) of sub-section (1) of section 16, omit the words and figure "in Schedule V".

(a) & (Omitted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

(b) c [No. 2, dated the 1st May, 1970.]

(2) A Borough Committee shall consist of the following members, namely—

(a) the Councillors of the Corporation representing the wards constituting the borough ; and

¹Sub-section (3a) was inserted by sec. 8(2) of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1958).

²Sub-section (4) was substituted for the existing sub-section (4) by sec. 5(2) of the Calcutta Municipal (Second Amendment) Act 1964 (West Ben. Act XVIII of 1964).

³These words were substituted for the words "the Corporation" by sec. 5(e) (i), *ibid.*

⁴These words were substituted for the words "the residue of the term of office of the Councillor or Alderman in whose place he is elected or the person in whose place he is associated" by sec. 5(e) (ii), *ibid.*

[West Ben. Act

*(Part II.—Chapter II.—The Municipal Authorities.—
Sections 17, 18.)*

(b) not more than three persons elected by the Councillors referred to in clause (a) from ¹* * * persons registered on the electoral roll for the time being in force for any of the constituencies ²[and] residing in any ward comprised within the borough, in such manner and for such term as may be prescribed by rules made by the Corporation.

(3) A member of a Borough Committee who is a Councillor of the Corporation representing a constituent ward of a borough shall hold such office as long as he continues to be the Councillor representing such ward.

(4) A member of a Borough Committee who is elected under clause (b) of sub-section (2) shall hold office unless he sooner resigns the same or his term of office is in any manner determined.

(5) When a vacancy occurs in the office of a member of a Borough Committee elected under clause (b) of sub-section (2), the vacancy shall be filled up in the manner provided in that clause and the term of office of such member shall be the residue of the term of the member in whose place he is elected.

17. (1) Every Standing Committee shall at its first meeting in each year elect one of its members to be the Chairman and another member to be the Deputy Chairman.

Chairman
and
Deputy
Chairman.

(2) The Chairman or the Deputy Chairman of a Standing Committee shall hold office from the time of his election until the election of his successor in office unless in the meantime he resigns his office as Chairman or Deputy Chairman or his term of office as member of the Standing Committee is in any manner determined or unless in the case of the Deputy Chairman he is elected as Chairman.

(3) On the occurrence of any vacancy in the office of the Chairman or the Deputy Chairman, a Standing Committee shall ³[within one month of] the occurrence of such vacancy elect one of its members as Chairman or Deputy Chairman, as the case may be.

18. (1) Any member of a Standing Committee (other than a person who is a member of a Borough Committee as a Councillor) or any person associated with a Standing Committee under section 15, sub-section (2), may resign his office by giving notice to the Chairman of that Committee; and a Chairman may resign his office by giving notice to the Mayor.

Resigna-
tion of
Chairman
and of
members
of Standing
Committees.

¹The words 'amongst rate-payers and' were omitted by sec. 2(i) of the Calcutta Municipal (Amendment) Act, 1952 (West Ben. Act VIII of 1952).

²The word 'and' was inserted by sec. 2(ii), *ibid.*

³These words were substituted for the words "at the meeting next after" by sec. 9 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act, XIX of 1953).

XXXIII of 1951.]**(Part II.—Chapter II.—The Municipal Authorities.—
Section 19.)**

(2) A resignation under sub-section (1) shall take effect from the date specified for the purpose in the notice of resignation, or if no such date is mentioned, from the date of its receipt by the Chairman or the Mayor, as the case may be.

The Commissioner.

**The
Commis-
sioner.**

¹19. (1) The State Government shall, by notification in the Official Gazette, appoint—

- (a) a person who is or has been an officer in the service of Government, or
- (b) in consultation with the State Public Service Commission, any other person,

as the Commissioner upon such terms and conditions as it may determine and the Commissioner shall not be a member of the Corporation.

(2) The appointment of a Commissioner under sub-section (1) shall be in force for such period, not exceeding five years in the first instance, as may be specified in the notification, but the State Government may, in consultation with the Corporation, extend the period from time to time, so, however, that the total period of extension does not exceed five years.

(3) Notwithstanding anything contained in the foregoing provisions of this section, the State Government may, at any time, in the case of the person appointed as Commissioner under clause (a) of sub-section (1), terminate his appointment as Commissioner and in any other case remove the Commissioner from office, and shall do so if at a special meeting of the Corporation called for the purpose, a resolution for the termination of the appointment as Commissioner or removal of the Commissioner, as the case may be, in favour of which not less than three-fifths of the total number of members of the Corporation give their votes, is carried :

Provided that if the Commissioner is a person appointed under clause (a) of sub-section (1) no such special meeting shall be called, and no such resolution shall be moved, except after giving one month's notice to the State Government.

(4) The Commissioner shall not undertake any work unconnected with his office without the sanction of the State Government and of the Corporation.

¹Section 19 was substituted for the existing section 19 by sec. 6 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

[West Ben. Act

Part II.—Chapter II.—The Municipal Authorities.—Sections

Page 261-

*In section 20, for the words "three thousand", substitute the words "two thousand".

Municipal
thousand
ie to time

Salary and
allowances
of Com-
missioner.

(Substituted by West Ben. Act XVII of 1965, section 6
and Schedule B.)

[No. 2, dated the 1st May, 1970.]

by the
ration.

Leave of
absence
of Com-
missioner.

(2) Whenever such leave is granted to the Commissioner the State Government shall appoint another person to officiate as Commissioner in his place.

22. If any vacancy occurs in the office of the Commissioner on account of death, resignation ¹[removal or termination of appointment or from any other cause.] the State Government may appoint another person to officiate as Commissioner in his place for a period not exceeding ²[four months] pending the appointment of a Commissioner under section 19³ * * *.

Appoint-
ment of
officiating
Commis-
sioner in
case of
death,
resigna-
tion or
removal
of Commis-
sioner.

422A. (1) If the State Government be of the opinion that—

- (a) for any reason the Commissioner is unable to act, or
- (b) circumstances exist which render it difficult for him to act,

Temporary
arrange-
ment
when the
Commis-
sioner is
unable to
act.

the State Government may, for the purpose of ensuring that the municipal administration of Calcutta does not suffer, by order notified in the *Official Gazette*, appoint a person to be designated as the Chief Executive Officer to exercise the powers and discharge the functions and duties of the Commissioner for such period as may be specified in the order and the person so appointed shall, for all purposes, be deemed to be the Commissioner.

(2) There shall be paid out of the Municipal Fund to the person appointed under sub-section (1) such salaries and allowances as the State Government may determine.

¹These words were substituted for the words "or removal," by sec. 3 (a) of the Calcutta Municipal (Amendment) Act, 1959 (West Ben. Act XII of 1959).

²These words were substituted for the words "two months" by sec. 3 (b), *ibid*.

³The words "sub-section (1)" were omitted by sec. 3 (c), *ibid*.

⁴Section 22A was inserted by sec. 2 of the Calcutta Municipal (Second Amendment) Act, 1958 (West Ben. Act XXI of 1958).

XXXIII of 1951.]

(*Part II.—Chapter II.—The Municipal Authorities.—Section 23.—
Chapter III.—Distribution of Powers and Safeguarding Due
Exercise of Powers.—Section 24.*)

(3) During the period specified in the order referred to in sub-section (1) the Commissioner appointed under this Act shall not act as such or exercise any powers conferred, or discharge any functions or duties imposed, on him by or under the provisions of this Act.

Service
regulations
of Commis-
sioner.

23. (1) If the Commissioner is a civil or military officer in the service of the Government, the Corporation shall make such contribution towards his passages, have allowances, pension and provident fund as may be required by the conditions of his service under the Government, to be paid by him or for him, as the case may be.

(2) If the Commissioner is not a civil or military officer in the service of the Government, his leave and leave allowances, his superannuation or retirement, his gratuity or pension and the proportions of his pensionary or provident fund contribution payable respectively from his salary and from the Municipal Fund shall be governed by ¹rules framed by the State Government :

Provided that—

(a) the amount of any such leave and leave allowances, gratuity or pension shall in no case without the special sanction of the State Government exceed what would be admissible in the case of Government servants of similar standing and status ; and

(b) the conditions under which such allowances are granted or any leave, superannuation or retirement is sanctioned shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.

CHAPTER III.

Distribution of Powers and Safeguarding Due Exercise of Powers.

Powers, duties and functions of the Corporation.

General
powers of
the Cor-
poration.

24. (1) Subject to the provisions of this Act and the rules, by-laws and regulations made thereunder, the Municipal Government of Calcutta shall vest in the Corporation, but the Corpora-

¹ For these rules, see notification No. M.8R-1/52, dated 25.2.53, published in the *Calcutta Gazette* of 1953, Part I, pages 634-635.

XXXIII of 1951.]

(Part II.—Chapter III.—Distribution of Powers and Safeguarding Due Exercise of Powers.—Sections 25—27.)

tion shall not be entitled to exercise or discharge any powers, duties or functions expressly assigned by or under this Act or any other law to a Standing Committee or to the Commissioner.

(2) Without prejudice to the generality of the provisions of sub-section (1), it shall be the duty of the Corporation to consider all periodical statements of receipts and disbursements and all progress reports and pass such resolutions thereon as it thinks fit.

25. The Standing Committee and the Commissioner shall be bound by and shall give effect to every resolution of the Corporation unless such resolution is annulled by the State Government in exercise of its power under section 47 or unless such resolution relates to a matter in which, under the provisions of this Act or the rules, by-laws and regulations made thereunder, the decision of a Standing Committee or the Commissioner, as the case may be, is final.

Standing Committees and Commissioner to give effect to resolutions of Corporation.

Powers, duties and functions of Standing Committees.

26. (1) The ¹[State Government] shall, by rules made for the purpose, determine the powers, duties and functions of each Standing Committee.

Powers of Standing Committees.

(2) In making such rules the ¹[State Government] may direct that the decision of a Standing Committee shall, in respect of certain specified matters, be final.

(3) All proceedings of a Standing Committee except those relating to matters specified under sub-section (2) shall be subject to confirmation by the Corporation.

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*In sub-section (1) of section 27, for the word "twelve": substitute the word "ten".

in which election, thereto, more than rs of any

Accounts Committee and its powers.

(Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

held in entation

¹These words were substituted for the word "Corporation" in sub-sections (1) and (2), respectively, by clauses (a) and (b), respectively, of section 7 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²This section 27 was substituted for the existing section 27 by sec. 8 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

[West Ben. Act

(Part II.—Chapter III.—Distribution of Powers and Safeguarding Due Exercise of Powers.—Section 27A.)

(3) The provisions of sub-sections (4) and (5) of section 15, section 17 and section 18 shall, *mutatis mutandis*, apply to the Accounts Committee and to the members thereof.

(4) Subject to the provisions of this Act and the rules, by-laws and regulations made thereunder, the Accounts Committee—

(a) shall supervise the utilisation of the budget grants,

(b) shall have access to the accounts of the Corporation and may require the Commissioner to furnish any explanation which it considers to be necessary as to the receipts and expenditure of the Municipal Fund,

(c) may examine the municipal accounts and check the abstract of receipts and disbursements for any month, as furnished by the Commissioner,

(d) shall consider the auditors' report referred to in section 156 and recommend to the Corporation any action to be taken thereon,

(e) shall supervise the investment of monies out of the Municipal Fund,

(f) may write off, subject to confirmation by the Corporation, the amount of any loss or any depreciation caused to municipal properties which appears to it to be irrecoverable, and

(g) shall discharge such other functions as may be determined by rules made by the State Government.

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Estimate
Committee
and its
powers.

^{127A.} (1) In sub-section (1) of section 27A, for the word "twelve" or as soon as n substitute the word "ten".
(Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

(2) The c [No. 2, dated the 1st May, 1970.]
accordance with the system of proportional representation by means of the single transferable vote.

(3) The provisions of sub-sections (4) and (5) of section 15, section 17 and section 18 shall, *mutatis mutandis*, apply to the Estimate Committee and to the members thereof.

*This section 27A was inserted by sec. 9 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

(Part II.—Chapter III.—Distribution of Powers and Safeguarding Due Exercise of Powers.—Sections 28—31.)

(4) Subject to the provisions of this Act and the rules, bye-laws and regulations made thereunder the Estimate Committee—

- (a) shall examine any estimate the amount of which exceeds twenty-five thousand rupees and may suggest alterations therein to effect economy, before it is submitted to the Corporation or the Standing Committee, as the case may be ;
- (b) shall be entitled to watch the progress of income and expenditure throughout the year and issue such directions as it may think necessary to the Commissioner for the purpose of conforming to the Budget Estimates, and
- (c) shall discharge such other functions as may be determined by rules made by the State Government.

Powers, duties and functions of the Commissioner.

28. Subject to the provisions of this Act and of any rules, bye-laws and regulations made thereunder, the entire executive power for the purpose of carrying out the provisions of this Act shall be vested in the Commissioner.

Executive power to vest in Commis-

29. In exercising his powers and performing his duties and functions under this Act, the Commissioner shall conform to such rules, if any, as may be made by the ¹[State Government] relating to matters in respect of such powers, duties and functions.

Commissioner to conform to rules

²30. The Corporation or a Standing Committee may, by resolution passed at a meeting of the Corporation or of the Standing Committee, as the case may be, delegate to the Commissioner any of its powers, duties or functions under this Act or any rule, by-law or regulation made thereunder.

Delegation of functions of the Corporation and of Standing Committees.

31. (1) In any case in which it is provided by this Act or the rules, bye-laws and regulations made thereunder or any other law that the Commissioner shall take action subject to the approval, sanction, consent or concurrence of a Standing Committee, the Committee may, by a resolution in writing, authorise the Commis-

Powers of Commissioner exercisable with the approval of Standing Committees.

¹The words "made by the Corporation", in the marginal note, were omitted and the words "State Government" were substituted for the word "Corporation" by clauses (a) and (b), respectively, of sec. 10 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Section 30 was substituted for the original section by sec. 10 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

[West Ben. Act

(Part II.—Chapter III.—Distribution of Powers and Safeguarding Due Exercise of Powers.—Sections 32—34.)

sioner to take action in anticipation of such approval, sanction, consent or concurrence, subject to such conditions, if any, as may be specified in such resolution.

(2) Whenever the Commissioner in pursuance of such resolution takes any action in anticipation of the approval, sanction, consent or concurrence of a Standing Committee, he shall forthwith inform the Committee of the fact.

Commis-
sioner to be
custodian
of records.

32. The Commissioner shall be responsible for the custody of all records (including in particular all papers and documents connected with the proceedings of the Corporation, Standing Committees and other Committees) and shall arrange for the performance of such duties relating to the proceedings of the said bodies as they may respectively impose.

Powers of
Commis-
sioner in
emergency.

33. The Commissioner may in case of emergency direct the execution of any work or the doing of any act which would ordinarily require the approval, sanction, consent or concurrence of the Corporation or a Standing Committee and the immediate execution or the doing of which is, in his opinion, necessary for the service or safety of the public, or for the prevention of extensive damage to any property of the Corporation, and may direct that expenses for executing the work or of doing the act shall be paid from the Municipal Fund :

Provided that the Commissioner shall report forthwith to the Corporation or to the Standing Committee, as the case may be, the action taken under this section and the reason therefor :

Provided further that the Commissioner shall not exercise his powers under this section if the expenses for the execution of the work or doing the act is, in his opinion, likely to exceed ¹[fifteen] thousand rupees.

Delegation
of the
Commis-
sioner's
functions.

34. The Commissioner may delegate to any municipal officer or servant ²[any of his powers, duties or functions (including the powers, duties or functions delegated to him under section 30) but not those] conferred or imposed upon or vested in him by section 41, sub-section (3), section 69, sub-section (1), section 126, section 155, sub-section (2) proviso, section 179, sub-section (1), section 182, sub-section (2), ³[section 188, sub-section (1), clauses (c) and (d), section 279, proviso, clause (a), section 279A,

¹This word was substituted for the word "ten" by sec. 11 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "any of his powers, duties or functions, except those" by sec. 11(1) of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX 1958).

³These words, brackets and figures were substituted for the words, figures and brackets "section 188, sub-section (1), section 190, sub-section (2), section 279, section 311, section 312, section 313, section 314, section 374, section 414, section 415, section 416," by sec 11(2), *ibid*.

XXXIII of 1951.]

(Part II.—Chapter III.—Distribution of Powers and Safeguarding Due Exercise of Powers.—Section 34.)

proviso, clause (b), section 414, sub-section (3),] section 435,
¹[section 516, section 561, sub-section (2), sub-section (3) and
 sub-section (4), clause (a)] or section 600 :

Provided that—

Page 267—

*In section 34,—

- (a) after the word and figures "section 516," insert the word "or",
- (b) omit the words and figures "or section 600";
- (c) in clause (e) of the proviso, for the words "five thousand rupees" occurring at two places, substitute the words "one thousand rupees".

(Inserted, omitted and substituted by West Ben. Act XVII
 of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

appointed by such officer by virtue of delegation of
 the Commissioner's power of appointment ;

- (d) in case of fine, reduction or suspension of an employee by a municipal officer or servant who is not the appointing authority, the same shall be reported to the Commissioner forthwith ;

- (e) the Commissioner shall not delegate his power under section 108 to sanction an estimate exceeding '[five thousand rupees] or his power under section 110 to make on behalf of the Corporation any contract involving an expenditure exceeding '[five thousand rupees] ;

- (f) when the Commissioner delegates under this section any power, duty or function which is exercisable or is required to be performed subject to the approval of the Corporation or of a Standing Committee, the Commissioner shall send a copy of the order of the delegation to the Corporation or such Committee.

¹These words, figures and brackets were substituted for the existing words, figures and brackets "section 438, sub-section (2), section 444, section 454, section 516" by sec. 12(1) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²This word was inserted after the word "make" by sec. 11(3), of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

³These words were substituted for the words "one hundred rupees" by sec. 12(2) (i) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

⁴These words were substituted for the words "one thousand rupees" by sec. 12(2)(ii), *ibid.*

[West Ben. Act

(Part II.—Chapter III.—Distribution of Powers and Sefeguarding Due Exercise of Powers.—Sections 35—38).

Powers
exercisable
under con-
ditions and
limitations.

35. The exercise or discharge by the Commissioner of any powers, duties or functions delegated to him by the Corporation or a Standing Committee, or the exercise or discharge by any municipal officer or servant of any powers, duties or functions delegated to him by the Commissioner, shall be subject to such conditions and limitations, if any, as may be prescribed in the order of delegation and also to control and revision by the Corporation, the said Standing Committee or the Commissioner, as the case may be :

Provided that if in delegating any powers, duties or functions to the Commissioner, the Corporation or a Standing Committee directs that his action shall be final, then the exercise and discharge by him of the powers, duties or functions so delegated shall not be subject to control, or revision by the Corporation or the said Standing Committee, as the case may be.

All officers
to be
subordinate
to Commis-
sioner.

36. (1) All municipal officers and servants shall be subordinate to the Commissioner who shall prescribe the duties of, and exercise supervision and control over, such officers and servants.

(2) The Commissioner may pass an order of suspension pending proceedings, or an order of censure, against any municipal officer or servant not being appointed by the State Government or on the recommendation of the State Public Service Commission, for any breach of rules made under this Act or of discipline, or for carelessness, negligence of duty or other misconduct.

Commis-
sioner's
right of
being
present at
meetings.

37. The Commissioner shall have the same right of being present at any meeting of the Corporation, or of any Standing or other Committee and of taking part in the discussions thereat as if he were a member of the Corporation or of such Committee, and with the consent of the Mayor or the Presiding Officer of the meeting, as the case may be, he may at any time make a statement or explanation of facts, but he shall not vote upon, or move any motion at such meeting.

Surveillance by the Corporation, Standing Committees, Mayor, Councillors and Aldermen.

Power of
Corpora-
tion to
call for
extracts
of proceed-
ings, etc.

38. The Corporation may at any time call for extracts from the proceedings of a Standing Committee or of any Committee or for any return, statement, accounts or report connected with any matter with which such Committee is empowered to deal ;

¹This section was substituted for the existing section 35 by sec. 18 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²This section was substituted for the existing section 36 by section 14, *ibid.*

XXXIII of 1951.]

(Part II.—Chapter III.—Distribution of Powers and Safeguarding Due Exercise of Powers.—Sections 39—42.)

and every such request shall be complied with by the Standing Committee or other Committee, as the case may be.

39. (1) The Corporation or a Standing Committee may at any time require the Commissioner (a) to produce any record, correspondence, plan or other documents which is in his possession or under his control as Commissioner; (b) to furnish any returns, plan, estimate, statement, accounts or statistics connected with the municipal administration; (c) to furnish a report by himself or to obtain from any head of a department subordinate to him and furnish with his remarks therein a report upon any subject connected with the municipal administration.

Power of Corporation and Standing Committee to require Commissioner to produce records, etc.

(2) The Commissioner shall comply with every such request unless in his opinion immediate compliance therewith will be prejudicial to the interest of the Corporation or the public, in which case he shall make a declaration in writing to that effect and shall, if required by the Corporation or the Standing Committee, as the case may be, refer the question to the Mayor whose decision shall be final.

40. The Mayor shall have full access to all records of the Corporation and may obtain reports from the Commissioner on any matter connected with the administration of the Corporation.

Mayor to have right of access to all records.

41. (1) Any Councillor or Alderman may call the attention of the Commissioner to any neglect in the execution of municipal work, to any waste of municipal property, or to the wants of any locality and may suggest any improvement which he considers desirable.

Right of Councillors or Aldermen to call attention of Commissioner to certain matters.

(2) Every Councillor or Alderman shall have the right to interpellate the Mayor on matters connected with the municipal administration subject to such rules as may be framed by the Corporation.

(3) Every Councillor or Alderman shall have access during office hours to the records of the Corporation after giving due notice ¹[in writing] to the Commissioner, provided that the Commissioner may for reasons given in writing forbid such access. The Councillor or Alderman may appeal against such order to the Mayor whose decision shall be final.

Surveillance by the State Government.

42. (1) As soon as may be after the 1st day of April every year and not later than such date as may be fixed by the State Government the Corporation shall submit to the State Government a detailed report of the administration during the preceding year in such form as the State Government may direct.

Annual administration report by the Corporation.

¹These words were inserted by sec. 15 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

[West Ben. Act

(Part II.—Chapter III.—Distribution of Powers and Safeguarding Due Exercise of Powers.—Sections 43—45.)

(2) The Commissioner shall prepare such report and the Corporation shall consider the report and forward the same to the State Government with its resolution thereon, if any.

(3) Copies of the report shall be kept for sale at the municipal office.

Power to
State
Govern-
ment to
call for
records,
etc.

43. The State Government may at any time require any municipal authority (a) to produce any record, correspondence, plan or other documents ; (b) to furnish any return, plan, estimate, statement, accounts or statistics ; (c) to furnish or obtain any report ; and the municipal authority shall comply with such requisition.

Power to
State
Govern-
ment to
depute
officer
to make
inspection
or exami-
nation and
report

44. The State Government may depute any officer of Government to inspect or examine any municipal department or office, service, work or thing and to report thereon, and any officer so deputed may for the purpose of such inspection or examination exercise all the powers conferred by section 43 on the State Government.

Power
to State
Govern-
ment to
require
Corpora-
tion to
take
action.

45. If after consideration of anything requisitioned under section 43 or of any report under section 44 or of any information received otherwise, the State Government is of opinion :—

(a) that any action taken is unlawful or irregular or any duty imposed on any municipal authority by or under this Act has not been performed ¹[or has been performed in an imperfect, insufficient or unsuitable manner], or

(b) that adequate financial provision has not been made for the performance of any duty,

the State Government may by an order restrain the Corporation from performing the act or direct the municipal authority within a period specified in the order to make arrangements to its satisfaction for the proper performance of the duty or to make financial provision to its satisfaction for the performance of the duty, as the case may be :

Provided that, unless in the opinion of the State Government the immediate execution of such order is necessary, the State Government shall before making an order under this section give the Corporation an opportunity of showing cause why such order should not be made.

¹These words were inserted by sec 16 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

(Part II.—Chapter III.—Distribution of Powers and Safeguarding Due Exercise of Powers.—Sections 46—47A.)

46. (1) If within the period specified in any order issued under section 45 any action directed under that section has not been duly taken, or cause to the satisfaction of the State Government is not shown under the proviso to that section, the State Government may, by order,—

- (a) appoint a person to take the action so directed,
- (b) fix the remuneration to be paid to him, and
- (c) direct that such remuneration and the cost of taking such action shall be defrayed out of the Municipal Fund.

(2) The person appointed under sub-section (1), may, for the purpose of taking the action directed as aforesaid, exercise any of the powers conferred on any municipal authority by or under this Act which are specified in that behalf in the order issued under sub-section (1), and shall be entitled to protection under this Act as if he were a municipal authority.

(3) The State Government may direct, by notification in the *Official Gazette*, that any sum of money which may, in its opinion, be required for giving effect to any order issued under that sub-section be borrowed by way of debenture on the security of ¹[the consolidated rate, taxes, fees and dues, authorised by this Act], or any of them, at such rate of interest and upon such terms as to the time of repayment and otherwise as may be specified in the notification.

(4) The provisions of Chapter IX shall apply to any loan raised in pursuance of sub-section (3).

47. The State Government may, after consideration of any representation which may be made by the Corporation by written order, annul or omit from the records any proceeding of the Corporation which it considers not to be in conformity with this Act or any rules, by-laws or regulations made thereunder or with any other law, and may do all things necessary to secure such conformity.

²47A. (1) Notwithstanding anything to the contrary contained in this Act, if at any time the State Government is of opinion that it is necessary for improving the municipal administration so to do, it ³[may, in consultation with the Corporation, depute,] by notification in the *Official Gazette*, one or more officers who are or have been in its service, or in

Procedure by State Government where Corporation fails to take action.

Power of State Government to annul illegal proceedings of Corporation.

Appointment of officers by State Government.

¹These words were substituted for the words "the consolidated rate, the taxes, fees and dues authorised by this Act" by sec. 4 of the Calcutta Municipal (Amendment) Act, 1952 (West Ben. Act VIII of 1952).

²Sections 47A and 47B were inserted by sec. 2 of the Calcutta Municipal (Second Amendment) Act, 1962 (West Ben. Act XIV of 1962).

³These words were substituted for the words "may, on requisition by the Corporation, depute," by sec 17(a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

[West Ben. Act

(Part II.—Chapter III.—Distribution of Powers and Safeguarding Due Exercise of Powers.—Section 47B.)

the service of any Corporation owned or controlled by it with the consent of such Corporation, who will act as special Deputy Commissioners and assist the Commissioner and take charge of such branches of the municipal administration as may be assigned to them by the Commissioner for such period as may be specified in the notification.

(2) Notwithstanding any provisions of this Act or of any rules, orders, bye-laws and notifications to the contrary, the officer or officers referred to in sub-section (1) shall, subject to the control of the Commissioner, exercise all the executive powers, perform all the executive functions and discharge all the duties of any of the municipal authorities in respect of the administration of the branches assigned to them by the Commissioner including the powers, functions and duties delegated to the Commissioner by the Corporation under section 30 and shall, subject to the provisions of section 87 regarding appeals, exercise disciplinary control over the staff employed in the said branches including the power to inflict any punishment, other than the punishment of dismissal or removal, on any member of such staff.

(3) The powers, functions and duties referred to in sub-section (2) shall not extend to matters relating to the budget, or to imposition of rates, taxes and fees, or, except as otherwise provided, to matters which require to be decided ¹[at a meeting by the Corporation or a Standing Committee.]

(4) During the period specified in the notification referred to in sub-section (1) the Commissioner may take action as provided in section 31 without any resolution of any Standing Committee in that behalf or direct the execution of any work or the doing of any act as in an emergency as provided in section 33.

(5) No action shall be taken by the Commissioner or the special Deputy Commissioners under sub-section (2) or sub-section (4), as the case may be, in respect of any matter contrary to any specific decision of any of the authorities thereon.

(6) The State Government may, if it so thinks fit, reduce or extend the period specified in the notification referred to in sub-section (1).

Remuneration of the deputed officers.

***47B.** There shall be paid out of the Municipal Fund—

(1) to the officers deputed under sub-section (1) of section 47A such salaries and allowances as the State Government may determine ;

¹These words were substituted for the words "by the Corporation at a meeting." by sec. 17(b) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²See foot-note 2 on page 271, *ante*.

XXXIII of 1951.]

(Part II.—Chapter III.—Distribution of Powers and Safeguarding
Due Exercise of Powers.—Sections 47C, 47D.)

(2) to the State Government such contributions for leave, pension or provident fund as may be payable under the rules governing the deputation of such officers or as the State Government may determine.

2. For section 47C of the Calcutta Municipal Act, 1951 (hereinafter referred to as the said Act), the following section shall be substituted, namely:—

“Power to supersede Corporation.

47C. (1) If, in the opinion of the State Government, the Corporation has shown its incompetency, or has persistently made default, in the performance of the duties or in the exercise of the functions imposed on it by or under this Act or any other law or has exceeded or abused its powers, the State Government may, by an order published, with the reasons for making it, in the *Official Gazette*, declare the Corporation to be incompetent, or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for such period as may be specified in the order.

Substitution of new section 47C of West Ben Act XXXIII of 1951.

Act 1972

(2) For the removal of doubts, it is hereby declared that no notice whatsoever is required to be given to the Corporation for submission of any representation before making any such order of supersession under sub-section (1).”

47D. (1) When an order of supersession has been made under section 47C, then with effect from the date of the order—

Consequences of supersession.

(a) all Councillors and Aldermen and all members of Standing or other Committees shall vacate their respective offices ;

1. This Act may be called the Calcutta Municipal Short title. (Fourth Amendment) Act, 1972.

In section 47D of the Calcutta Municipal Act, 1951 (hereinafter referred to as the said Act), in clause (b) of sub-section (1), after the words “shall be exercised and performed”, the words “, subject to such directions as the State Government may issue from time to time,” shall be inserted.

Amendment of section 47D of West Ben. Act XXXIII of 1951.

xxv Act 1972

may direct :

Provided that when the State Government directs more than one person to exercise any powers and perform any duties it may, by order, allocate such powers and duties among the several persons appointed in such manner as it thinks fit :

Sections 47C, 47D and 47E were inserted by sec. 18 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

[West Ben. Act

(Part II.—Chapter III.—Distribution of Powers and Safeguarding
Due Exercise of Powers.—Section 47E.)

Provided further that the State Government shall fix the remuneration of such person or persons, and may direct that such remuneration shall, in each case, be paid out of the Municipal Fund.

(2) The State Government may, if it considers it necessary so to do, by order extend or modify the period of supersession.

(3) The State Government may, at any time, order the holding of a general election for reconstitution of the Corporation and on such reconstitution the provisions of the foregoing sub-section shall cease to have effect with effect from the date on which the Corporation holds its first meeting at which a quorum is present.

(4) Notwithstanding anything contained in section 4 of the Calcutta Improvement Act, 1911, when an order of supersession has been made under section 47C, the State Government shall nominate three persons to represent, during the period of supersession, the Corporation on the Board of Trustees for the Improvement of Calcutta and such persons shall be deemed to be duly elected under clause (c) of sub-section (1) of section 4 of the said Act.

Ben. Act
V of 1911.

Power of
superses-
sion in
respect of a
department
of Corpora-
tion.

¹47E. (1) If, in the opinion of the State Government, the Corporation—

(i) has shown its incompetency, or has persistently made default, in the performance of the duties or in the exercise of the functions imposed on it by or under this Act or by any other law, or

(ii) has exceeded or abused its powers,

in respect of any department of the Corporation, the State Government may, by an order in writing, direct the Corporation to show cause within a period to be specified in the order to the satisfaction of the State Government against the making of an appointment referred to in sub-section (2).

In sub-section (2)

the wor-
to such
time to

XXV *Ref* *of 72* specified by any order issued under
not been shown to the satisfaction
may, by an order published, with
making it, in the *Official Gazette*, appoint a
suitable person who shall, during such period as may be
specified in the order so published, exercise all the powers and
perform all the duties of the Corporation, Standing Committees
or any other Committees in all matters relating to that
department.

¹ See foot-note 1 on page 273, ante.

XXXIII of 1951.]

*(Part II.—Chapter IV.—Election of Councillors and Aldermen.—
Sections 48, 49.)*

(3) The person appointed under sub-section (2) shall frame the budget relating to such department and shall submit it to the State Government for sanction. The State Government may sanction the budget with such modification as it may think fit.

(4) The expenses of performing the duties of the department together with such remuneration as the State Government may allow to such person shall be paid out of the Municipal Fund.

(5) If any dispute arises as to whether any particular power or duty relates to the department referred to in sub-sections (1) and (2) the matter shall be referred to the State Government whose decision shall be final.

CHAPTER IV.

Election of Councillors and Aldermen.

VOLUME VI

ldermen and

Page 275—

For section 48, substitute the following section, namely:—

Qualification of electors. **Qua- 48.** Save as otherwise provided in this Act, every person whose name is included in such part of the electoral roll for the time being in force for the West Bengal Legislative Assembly as relates to the area comprised within a constituency shall be qualified to be an elector of that constituency.”

Qualification of electors.

(Substituted by West Ben. Act VI of 1967, section 2.)

[No. 5, dated the 1st May, 1970.]
any constituency.

ent court to
an elector of

Disqualifications of electors.

**Act XLV
of 1860.**

(3) A person convicted of an offence under Chapter IXA, Indian Penal Code, punishable with imprisonment, or found in a proceeding under section 73 by the court to have committed a corrupt practice as specified in Part I, or in paragraphs 1, 2 and 3 of Part II of Schedule II shall not be qualified to be an elector of any constituency for a period of five years from the date of conviction or finding, as the case may be :

¹This section 48 was substituted for the original section by sec. 2 of the Calcutta Municipal (Third Amendment) Act, 1962 (West Ben. Act XXV of 1962).

²Sub-section (1) was omitted by sec. 3 (1) of the Calcutta Municipal (Third Amendment) Act, 1962 (West Ben. Act XXV of 1962).

³The words “under twenty-one years of age or” were omitted by sec. 8(2), *ibid.*

[West Ben. Act

(Part II.—Chapter IV.—Election of Councillors and Aldermen.—
Sections 50—52.)

Provided that the State Government may remove such disqualification if it thinks fit.

Page 276—

Omit section 50.

(Omitted by West Ben. Act VI of 1967, section 3.)
[No. 5, dated the 1st May, 1970.]

DUPLICATE.

1 *	*	*	*	*	*
2 *	*	*	*	*	*

Removal
of name
from
electoral
roll.

51. If any person is subject to any of the disqualifications specified in section 49, sub-section (2) or sub-section (3), his name if on the electoral roll shall be omitted and shall not be registered till the disqualification ceases or is removed.

Page 276, 277—

In section 52,—

(1) in sub-section (1), for the words “An electoral roll shall be prepared for every constituency together with time within which shall be entered the names of the persons appearing to be entitled to be registered as electors of that constituency.”, substitute the following words namely:—

“So much of the electoral roll for the time being in force for the election of members to the West Bengal Legislative Assembly as relates to the area comprised within a constituency shall, subject to the provisions of this Act and the rules made thereunder, be published as the electoral roll in respect of that constituency.”;

(2) in sub-section (2),—

(i) omit clause (a);

(ii) in clause (b), for the word “prepared”, substitute the word “published”;

(iii) for the words “preparation, revision, publication”, substitute the words “publication, revision, republication”;

¹Sub-section (2) was omitted by sec. 4 (1) of the Calcutta Municipal (Third Amendment) Act, 1952 (West Ben. Act XXV of 1952).

²Sub-section (3) was omitted by sec. 4(2), *ibid.*

³This clause (a) was substituted for the existing clause (a) and the proviso thereto by sec. 19 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

⁴These words, brackets and figure were added by sec. 5 (ii) of the Calcutta Municipal (Amendment) Act, 1952 (West Ben. Act VIII of 1952).

⁵Clause (c) was omitted by sec. 5(1) of the Calcutta Municipal (Third Amendment) Act, 1952 (West Ben. Act XXV of 1952).

XXXIII of 1951.]

(Part II.—Chapter IV.—Election of Councillors and Aldermen.—
Section 52.)

- (e) the mode in which and the time within which claims and objections may be preferred ;
- (f) the constitution and appointment of revising authorities to dispose of claims and objections ;
- (g) the manner in which notices of claims or objections shall be published ;
- (h) the place, date and time at which and the manner in which claims or objections shall be heard ;

and may make such rules to provide for other matters incidental or ancillary to the preparation, revision, publication and regular maintenance of the roll as it may consider desirable.

Page 277—

After sub-section (3) of section 52, insert the following sub-section, namely:—

“(3A) (i) Notwithstanding anything contained in sub-section (3), if it appears to the State Government that there is a substantial discrepancy between the electoral roll of a constituency as republished under sub-section (3) and the electoral roll for the election of members of the West Bengal Legislative Assembly relating to the area comprised in that constituency, as in force on the date of the republication, the State Government may, by order, direct that the electoral roll so republished shall be revised by entertaining claims and objections preferred in respect of it in the manner provided in the rules framed under clause (e) of sub-section (2) within such time as the State Government may specify in its order.

(ii) As soon as may be after the expiry of the time specified in the order made under clause (i) the revising authority shall dispose of the claims and objections received within such time, and the electoral roll as amended in accordance with the orders of the revising authority shall be further republished in the manner provided in the rules framed under sub-section (3).

(iii) An electoral roll further republished under this sub-section shall, for all the purposes of this Act, be deemed to be an electoral roll republished under sub-section (3).”

(Inserted by West Ben. Act IX of 1969, section 2.)

[No. 6, dated the 1st May, 1970.]

[West Ben. Act

(Part II.—Chapter IV.—Election of Councillors and Aldermen.—
Sections 52A—54.)

on such earlier roll ceasing to be in force and the provisions of sub-section (1) shall apply to such fresh electoral roll.

In sub-section (1) of section 52A,—

The authority by whom electoral roll shall be prepared or revised and his staff.

52A. Official Gazette, appointment or of municipal publication

(a) for the words "preparation, publication", substitute the words "publication, revision";
(b) for the *Explanation*, substitute the following,

*"Explanation.—*Publication includes republication referred to in sub-sections (3) and (5) of section 52 and revision means revision under sub-section (5) of that section."*"*

Explanation
(5) of section
to in sub-s (Substituted by West Ben. Act VI of 1967, section 5.)

(2) The such staff, for such period [No. 5, dated the 1st May, 1970.] Government may sanction :

Provided that a member of the Corporation or of a Standing Committee or the Commissioner or a municipal officer or servant shall not be eligible for holding office as a member of such staff.

(3) The salary of the authority appointed under sub-section (1) and of the staff appointed under sub-section (2) and all other expenses relating to the office establishment shall be paid out of the Municipal Fund.

Right to vote.

53. Every person registered on the electoral roll for the time being in force for any constituency shall while so registered be entitled to vote at an election of a Councillor for that constituency :

^aProvided that a person who is confined in a prison or is in the lawful custody of the police, shall not be entitled so to vote.

Qualification for election as Councillor.

54. (1) No person shall be eligible for election as a Councillor to represent a constituency unless his name is registered on the electoral roll of that or of any other constituency.

(2) No person shall be entitled to stand for election as a Councillor from more than one constituency.

^aThis section was inserted by sec. 20 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

^aThis proviso was added by sec. 6 of the Calcutta Municipal (Third Amendment) Act, 1962 (West Ben. Act XXV of 1962).

XXXIII of 1951.]

(Part II.—Chapter IV.—Election of Councillors and Aldermen.—
Section 55.)

55. (1) A person shall not be qualified for being elected a Councillor or Alderman ¹[or for being a member of or being associated with any Standing Committee or other Committee or Sub-Committee if he—

General disqualifications for being a Councillor or Alderman ²[or member of, or person associated with, any Committee or Sub-Committee].

- (a) has been adjudged by a competent court to be of unsound mind ; or
- (b) is under twenty-five years of age ; or
- (c) is an undischarged insolvent ; or
- (d) being a discharged insolvent, has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part ; or

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*After clause (ee) of sub-section (1) of section 55, insert the following clause, namely:—

“(eee) is the President of the Tribunal of the Board of Trustees for the Improvement of Howrah or an Assessor to that Tribunal, or a Judge of a Civil Court in Howrah ; or” ;

(Inserted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.] is partner in any contract or employment with, by, or on behalf of the Corporation ; or

“(fff) holds office in any Union or Association of municipal officers or servants ; or

(g) fails to pay any arrears of any kind due by him, otherwise than as a trustee or an executor, to the Corporation within three months after a special notice in this behalf has been served upon him ; or

(h) has not paid any sum certified by the auditors to be due from him in a certificate which has not been set aside under this Act or, if such certificate has been modified, has not paid the sum shown to be due from him in the modified certificate ; or

¹These words were inserted by sec. 12(1) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

²Clause (ee) was inserted by sec. 21(1) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

³Clause (ff) was inserted by sec. 12(2) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

⁴Clause (fff) was inserted by sec. 21(2) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

⁵These words, in the marginal note, were added by sec. 12(3) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

[West Ben. Act

*(Part II.—Chapter IV.—Election of Councillors and Aldermen.—
Section 55.)*

- (i) has been convicted by any court and sentenced to imprisonment or whipping for an offence involving moral turpitude and punishable with imprisonment for a period of not less than six months ; or
- (j) has been convicted by any court of an offence under Chapter IXA, Indian Penal Code, punishable with imprisonment or is in course of any proceeding under section 73 found by the court to have committed a corrupt practice as specified in Part I or in paragraphs 1, 2 and 3 of Part II of Schedule II ; or
- (k) being a candidate at an election as a Councillor under this Act or an election agent of such Councillor has failed to lodge any prescribed return of election expenses or has lodged a return which is found, either by the Chief Judge of the Small Cause Court, Calcutta, in the course of any proceedings under section 73 or by a Magistrate in a judicial proceeding, to be false in any material particular :

Act XLV
of 1860.

Provided that—

- (i) the disqualification under clause (d) of sub-section (1) shall cease at the end of five years after discharge ;
- (ii) the disqualification under clause (i) of sub-section (1) shall cease at the end of five years after the expiry of sentence ;
- (iii) the disqualification under clause (j) of sub-section (1) shall cease at the end of five years after the date of conviction or finding, as the case may be ;
- (iv) the disqualification under clause (k) of sub-section (1) shall cease at the end of five years after the date of the election, to which the return of the election expenses referred to in the said clause relates.

Explanation.—For the purpose of proviso (iii) the date of conviction shall be deemed to be the date on which the period of limitation for an appeal from the order of conviction expires or where an appeal or an application for revision has been preferred or made against the order of conviction, the date on which the appeal or the application for revision is fully disposed of.

(2) Any disqualification mentioned in clauses (h), (i), (j) and (k) of sub-section (1) may be removed by an order of the State Government in this behalf.

XXXIII of 1951.]

(Part II.—Chapter IV.—Election of Councillors and Aldermen.—
Sections 56—58.)

Elections.

56. (1) Subject to the provisions of section 54, any person may be nominated as a candidate for election as a Councillor for any constituency unless he is a person not qualified under section 55 for being elected as a Councillor.

Nomina-
tion of
candidates.

(2) On or before the date on which a candidate is nominated, the candidate shall make in writing and sign a declaration appointing either himself or some other person who is not disqualified under section 61 for the appointment to be his election agent, and no candidate shall be deemed to be duly nominated unless such declaration has been made ¹and lodged with the officer receiving nominations.]

57. (1) On or before the date appointed for the nomination of candidate each candidate shall deposit with the Commissioner the sum of two hundred and fifty rupees in cash and no candidate shall be deemed to be duly nominated unless such a

Deposit
and with-
drawal of
candida-
ture.

Page 281—

oration unless—

ted, or

*In sub-section (1) of section 57, for the words “two hundred and fifty rupees”, substitute the words “one hundred and fifty rupees”

re on or before
idatures, which
te fixed for the

(Substituted by West Ben. Act XVII of 1965, section 6
and Schedule B.)

ared invalid, or

[No. 2, dated the 1st May, 1970.]

ncement of the

(e) the candidate secures not less than ten per cent. of the votes cast in case he fails to be elected.

(3) The deposit unless forfeited shall be returned to the candidate or if he dies, to his legal representative.

(4) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election.

58. If in a constituency there is only one duly nominated candidate who has not withdrawn his candidature, he shall be declared to be duly elected.

Uncon-
tested
election.

¹These words were added by sec. 2 of the Calcutta Municipal (Amendment) Act, 1965 (West Ben. Act IV of 1965).

²Substituted for the existing clause by sec. 3 of the Calcutta Municipal (Amendment) Act, 1965 (West Ben. Act IV of 1965).

[West Ben. Act

(Part II.—Chapter IV.—Election of Councillors and Aldermen.—
Sections 59, 60.)Procedure
at election.

59. (1) If in a constituency the number of duly nominated candidates after withdrawal of candidatures, if any, is more than one, a poll shall be taken.

(2) Votes shall be given by ballot and in person. No votes shall be received by proxy.

(3) Votes shall be counted by or under the supervision of the returning officer, and any candidate, or in the absence of the candidate, a representative duly authorised by him in writing shall have a right to be present at the time of counting.

(4) When the counting of the votes has been completed, the returning officer shall forthwith declare the candidate to whom the largest number of votes has been given to be elected.

(5) Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the returning officer and the candidates or their representatives who may be present and in such manner as he may determine.

(6) The returning officer shall without delay report the result of the election ¹[under section 58 or under this section] to the Commissioner, and the name of the candidate elected ²[in either case] shall be published by the Commissioner in the *Official Gazette*.

³ *Explanation*.—In this section “returning officer” includes an assistant returning officer appointed to assist the returning officer.

State
Govern-
ment to
make rules
regarding
the
conduct of
election.

60. (1) Subject to the provisions of this Act the State Government shall make ⁴rules providing—

(a) for the form and manner in, and the conditions on, which nominations may be made, and for the scruting of nominations ;

(b) for the appointment of a returning officer for each constituency and for his powers and duties ;

¹These words and figures were inserted by sec. 18(1) of the Calcutta Municipal (Amendment) Act, 1953 (West B n. Act X1X of 1953).

²These words were inserted by sec. 18(2), *ibid*.

³This *Explanation* was added by sec. 4 of the Calcutta Municipal (Amendments) Act, 1965 (West Ben. Act IV of 1965).

⁴For the Calcutta Corporation (Conduct of Elections of Councillors) Rules, 1952, made under section 60 read with section 69, see notification No. M.3R-14/52, dated 4.7.52, published in the *Calcutta Gazette*, of 1952, Part I, pages 2407-2430, as subsequently amended from time to time.

XXXIII of 1951.]

*(Part II.—Chapter IV.—Election of Councillors and Aldermen.—
Sections 61, 62.)*

- ¹(bb) for the appointment, where necessary, of one or more assistant returning officers to assist a returning officer and for the powers and duties of such assistant returning officer or officers ;
- (c) for the appointment of polling stations for each constituency ;
- (d) for the appointment of officers to preside at polling stations and for the duties of such officers ;
- (e) for the checking of voters by reference to the electoral roll ;
- (f) for the manner in which votes are to be given, and in particular for the case of illiterate voters, or voters under physical or other disability ;
- (g) for the procedure to be followed in respect of tender of votes by persons representing themselves to be electors after other persons have voted as such electors ;
- (h) for scrutiny of votes ;
- (i) for the safe custody of ballot papers and other election papers, for the period for which such papers shall be preserved and for the inspection and production of such papers ;

and may make such other rules regarding the conduct of elections as it thinks fit.

(2) In the exercise of the foregoing power rules may be made as to elections generally or any class of elections.

(2) A member of the Corporation or of a Standing Committee or the Commissioner or a municipal officer or servant shall not be appointed as a returning officer, or as an officer to preside at a polling station.

61. No person shall be appointed an election agent who is himself ineligible for election as being subject to any disqualification mentioned in section 55 except the disqualification mentioned in clause (b) of sub-section (1) of that section or who is under twenty-one years of age.

Disquali-
fication
for being
election
agent.

62. (1) The appointment of an election agent, whether the election agent appointed be the candidate himself or not, may only be revoked in writing, signed by the candidate and lodged with the officer receiving nominations and shall operate from the date on which it is so lodged.

Revocation
of appoint-
ment of
election
agent.

¹This clause was inserted by sec. 5 of the Calcutta Municipal (Amendment) Act, 1965 (West Ben. LV of 1965).

[West Ben. Act

*(Part II.—Chapter IV.—Election of Councillors and Aldermen.—
Sections 63, 64.)*

(2) In the event of such a revocation or of the death of any election agent, whether such event occurs before, during or within one month, or such longer period as the State Government may allow, after the election then the candidate shall appoint forthwith another election agent and declare his name in writing to the said officer.

Return of
election
expenses.

63. (1) Within one month or such longer period as the State Government may allow after the date of the declaration of the election every candidate, either personally or through his election agent, shall cause to be lodged with the Commissioner a return of his election expenses containing the particulars specified in Schedule III.

¹Provided that when in the opinion of the State Government there are reasonable grounds so to do, it may—

(a) on the application of any candidate or his election agent extend the period mentioned in sub-section (1) for the lodging of return of election expenses of such candidate, or

(b) condone the delay in lodging of the return of election expenses by a candidate or his election agent.

(2) Every such return shall contain a statement of all payment made by the candidate or by his election agent or by any persons authorised by the candidate to act on his behalf for expenses incurred on account of, or in respect of, the conduct and management of the election, and further a statement of all unpaid claims in respect of such expenses of which he or his election agent is aware.

(3) The return shall be accompanied by declarations by the candidate and his election agent which shall be in the form contained in Schedule III and shall be made on oath or affirmation before a Magistrate.

(4) The Commissioner shall cause to be prepared and maintained a record showing the names of all candidates at every election of a Councillor under this Act and the date on which the return of election expenses of each candidate has been lodged with him.

Accounts
of agents.

64. Every election agent shall keep regular books of account in which the particulars of all expenditure of the nature referred to in section 63 shall be entered, whether such expenditure is incurred by the candidate or by the election agent or by any person under the direction of the candidate or the election agent.

¹This proviso was added with retrospective effect by sec. 2 of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XII of 1958).

XXXIII of 1951.]

**(Part II.—Chapter IV.—Election of Councillors and Aldermen.—
Sections 65—65B.)**

65. (1) If there is no valid nomination for an election in any constituency or if the electors of a constituency fail to elect a Councillor, the vacancy in the seat of the Councillor of the constituency shall be deemed to be a casual vacancy and shall be filled by election under the provisions of section 69.

Failure to elect a person to be deemed a casual vacancy.

(2) The existence of any vacancy referred to in sub-section (1) shall not affect the validity of the constitution of the Corporation or of any proceedings of any meeting of the Councillors to elect an Alderman or Aldermen.

¹65A. (1) Notwithstanding anything contained in section 65, if at an election in any constituency the proceedings for the poll at any polling station appointed for such constituency are interrupted or obstructed by any riot or open violence, or if it is not possible to take the poll at such polling station on account of any natural calamity or any other sufficient cause, the presiding officer for such polling station shall announce an adjournment of the poll to a date to be notified later and shall forthwith inform the returning officer concerned.

Adjournment of poll in emergencies.

(2) Where a poll is adjourned under sub-section (2), the returning officer shall immediately report the circumstances to the State Government and shall, as soon as may be, with the previous approval of the State Government, appoint the day on which the poll shall recommence, and fix the polling station at which, and the hours during which, the poll will be taken, and shall not count the votes cast at such election until such adjourned poll shall have been completed.

(3) The returning officer shall notify in such manner as the State Government may direct the date, place and hours of polling fixed under sub-section (2).

¹65B. (1) If at an election in any constituency,—

(a) any ballot box used at a polling station appointed for such constituency is unlawfully taken out of the custody of the presiding officer or the returning officer, or is accidentally or intentionally destroyed or lost, or is damaged or tampered with to such an extent that the result of the poll at such polling station cannot be ascertained, or

Fresh poll in the case of loss, etc., of ballot boxes.

(b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at such polling station,

the returning officer shall forthwith report the matter to the State Government.

¹Sections 65A and 65B were inserted by sec. 6 of the Calcutta Municipal (Amendment) Act 1966 (West Ben. Act IV of 1966).

**(Part II.—Chapter IV.—Election of Councillors and Aldermen.—
Sections 66, 67.)**

(a) declare the poll at such polling station to be void, appoint a day and fix the hours for taking a fresh poll at such polling station and notify the day so appointed and the hours so fixed in such manner as it may deem fit, or

(b) if satisfied that the result of a fresh poll at such polling station will not in any way affect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the returning officer as it may deem proper for the further conduct and completion of the election.

66. Notwithstanding anything contained in the Indian Oaths Act, 1873, every person who is a Councillor or an Alderman shall before taking the oath of office and before entering upon his office, make and subscribe the following declaration:—

I, A. I words, namely:—

“, before taking his seat at a meeting of the Corporation, make and subscribe before the Mayor, the Deputy Mayor or the Commissioner.”.

(Substituted by West Ben. Act XXII of 1965, section 2.)

[No. 2, dated the 1st May, 1970.]

67. Subject to the provisions of *[No. 2, dated the 1st May, 1970.]* an Alderman shall ¹[hold office for a term of four years]. The said term shall, for the purpose of its computation, ²[and for the purpose of section 68, clause (b),] be deemed to commence on the first day of the year in which the first meeting of the Corporation after a general election is held under section 89 and shall be held to include any period which may elapse between the expiry of the said term and the date of the first meeting of the Corporation fixed under section 89 after a general election, at which meeting a quorum is present :

^aProvided that the State Government may, if it thinks fit, extend the said term of four years by a term or terms not exceeding one year in the aggregate by notification in the *Official Gazette*.

²These words were substituted with retrospective effect for the words "hold office for a term of three years" by sec. 3(a) of the Calcutta Municipal (Amendment) Act, 1955 (West Ben. Act I of 1955).

³These words, figures and brackets were inserted by sec. 14 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

⁴This proviso was substituted for the original proviso by sec. 3 (b) of the Calcutta Municipal (Amendment) Act, 1955 (West Ben. Act I of 1955).

XXXIII of 1951.]

**(Part II.—Chapter IV.—Election of Councillors and Aldermen.—
Section 68.)**

68. If a person having been elected as a Councillor or Alderman—
Page 287—

Effect of subsequent disabilities.

*In clause (i) of the proviso to section 68,—

(a) for the words "Chief Judge of the Small Cause Court of Calcutta", substitute the words "District Judge of Howrah"; and

(b) for the words "application to the Chief Judge", substitute the words "application to the District Judge".

(Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.] months
at when
the failure is due to reasons considered sufficient by the Corporation to justify such failure, or

(e) is retained or employed in any professional capacity in connection with any case or matter in which the Corporation is a party,

such person shall cease to be a Councillor or Alderman with effect from the date on which the State Government shall by notification in the *Official Gazette* declare the seat to be vacant :

Provided as follows :—

(i) if the Councillor or the Alderman does not admit the disqualification, a declaration under paragraph (a) shall not be made without a decision on the matter by the Chief Judge of the Small Cause Court of Calcutta, which shall be final and which shall be obtained by the Commissioner if directed by the State Government on application to the Chief Judge ;

(ii) a declaration under paragraph (c) shall not be made except after due inquiry by the State Government in which inquiry the Councillor or the Alderman concerned shall have the right to be heard, and a person shall not be deemed to have violated the oath of allegiance if by constitutional means he endeavours to make changes in the constitution ;

(iii) attendance as a member at a meeting of a Standing Committee or in a sub-committee shall be deemed for the purpose of paragraph (d) to be attendance at a meeting of the Corporation ;

*These letters and brackets were substituted for the letter and brackets "(f)" by sec. 22 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

[West Ben. Act

(Part II.—Chapter IV.—Election of Councillors and Aldermen.—
Sections 69—71.)

(iv) the expression “retained or employed in a professional capacity” shall be deemed to include appearing in any professional capacity before the Court.

2. To sub-section (1) of section 69 of the Calcutta Municipal Act, 1951 (hereinafter referred to as the said Act), the following proviso shall be added, namely:—

Amendment
of section
69 of West
Ben. Act
XXXIII
of 1951.

“Provided that after the Commissioner has called upon the constituency concerned to elect a person for the purpose of filling a vacancy and has fixed a date for the poll, the State Government may, if it considers necessary or expedient in the public interest so to do, by notification in the *Official Gazette*, adjourn the poll to a date not later than two months from the aforesaid date.”

which may prescribe by rules.

(2) No election need be held to fill a vacancy in the seat of a Councillor or an Alderman referred to in sub-section (1) if only three months remain for the expiry of the term of office of the Councillors and Aldermen.

³(3) The term of office of a Councillor or an Alderman elected under sub-section (1) shall, for the purpose of section 68, clause (b), be deemed to commence on the date of the first meeting of the Corporation after his election and every such Councillor or Alderman shall hold office for the residue of the term of office of the Councillors and Aldermen of the Corporation referred to in section 67.

Power of
State
Govern-
ment in
respect
of first
election.

70. If any difficulty arises as to the preparation, publication or revision of the first electoral rolls or the holding of the first general election after the commencement of this Act, “[or after the commencement of the Calcutta Municipal (Third Amendment) Act, 1962], the State Government may by order authorise any matter or thing to be done which appears to it necessary for the proper preparation or publication of the rolls, or for the proper holding of the elections.

West Ben.
Act XXV of
1962.

General
election.

71. (1) Before the expiration of the term of office of the Councillors and Aldermen under section 67, a general election of Councillors shall be held.

¹These words were substituted for the words “two months from the date of the occurrence of the vacancy and in such manner” by sec. 6 of the Calcutta Municipal (Amendment) Act, 1952 (West Ben. Act VIII of 1952).

²See foot-note 4 on page 282, *ante*.

³Sub-section (3) was substituted for the original sub-section by sec. 15 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

⁴Inserted by sec. 4 of the Calcutta Municipal (Amendment) Act, 1964 (West Ben. XVI of 1964).

XXXIII of 1951.]

(Part II.—Chapter IV.—Election of Councillors and Aldermen.—
Sections 72—74.)

Such general elections shall take place on a date or dates to be fixed by the State Government ordinarily in the month of March, or on a date or dates in such other month as the State Government may fix.

(3) The State Government shall fix such date or dates by a notification in the *Official Gazette* published not less than two months before such date or dates.

72. Every election not called in question in accordance with the provisions of this Act shall be deemed to have been to all intents and purposes a good and valid election.

Elections not called in question to be valid.

Disputes as to validity of election.

age 289—

*In section 73—

(a) in sub-section (1), for the words "Chief Judge, Small Cause Court of Calcutta", substitute the words "District Judge of Howrah"; and

(b) in sub-section (2), for the words "Chief Judge", substitute the words "District Judge".

(Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

person whose 59 is eligible in any election is if any corrupt person or by on or of the y other cause, ny time within e Chief Judge,

Hearing of election petitions by Chief Judge of Small Cause Court.

[No. 2, dated the 1st May, 1970.]

question on the

ground that—

(a) the name of any person qualified to vote has been omitted from the electoral roll, or

(b) the name of any person not qualified to vote has been inserted in that roll, or

(c) any direction given by any rule made under section 52, sub-section (2), or section 60 has not been obeyed.

(2) The applicant shall whenever required by the Chief Judge deposit a sum of five hundred rupees as security for any cost which he may be ordered to pay to the other party to the said

289—

*In section 74—

(a) in sub-section (1), for the words "Chief Judge, Small Cause Court," substitute the words "District Judge"; and

(b) in sub-section (2), for the words "Chief Judge", substitute the words "District Judge".

Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

made under section hold such enquiry

Enquiry by Chief Judge.

the Chief Judge assesses and compel urt and may also it of such enquiry as if it had been dured, 1908.

[No. 2, dated the 1st May, 1970.]

(Part II.—Chapter 290—

Grounds
for
declaring
election
void.

75. (1) ^{*In sub-section (1) of section 75, for the words "Chief Judge, Small Cause Court," substitute the words "Chief Judge".}

(a) the (Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

(b) any ^[No. 2, dated the 1st May, 1970.]
been committed, or

(c) the result of the election has been materially affected by any irregularity in respect of a nomination paper, or by the improper reception or refusal of a vote, or, save as is provided in section 73, by any non-compliance with the provisions of this Act or the rules made thereunder, or by any mistake in the use of any form annexed thereto,

he shall make an order setting aside the election of the returned candidate.

(2) If an election is set aside under sub-section (1), a fresh election shall be held.

¹Requisitioning of property for election purposes.

Requisi-
tioning of
premises,
vehicles,
etc., for
election
purposes.

¹75A. (1) If it appears to the State Government that in connection with an election under this Act,—

(a) any premises are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or

(b) any vehicle is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election,

the State Government may, by order in writing, requisition such premises or such vehicle and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning :

Provided that no vehicle which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

¹This heading and sections 75A, 75B, 75C, 75D, 75E, 75F, 75G and 75H were inserted by sec. 7 of the Calcutta Municipal (Amendment) Act, 1965 (West Ben. Act IV of 1965).

XXXIII of 1951.]

**(Part II.—Chapter IV.—Election of Councillors and Aldermen.—
Section 75B.)**

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the State Government to be the owner or person in possession of the property, and such order shall be served on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

(4) In this section and in sections 75B, 75D, 75E and 75F, “premises” means any land, building or part of a building and includes a hut, shed or other structure or any part thereof.

¹75B. (1) Whenever the State Government requisitions any premises under section 75A, there shall be paid to every person interested compensation, the amount of which shall be determined by the State Government by taking into consideration—

Payment of
compensa-
tion.

- (a) the rent payable in respect of such premises or if no rent is so payable, the rent payable for similar premises in the locality ;
- (b) if in consequence of the requisition of such premises any person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change :

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application to the State Government within thirty days from the date of the service upon him of the order determining the compensation for referring the matter to an arbitrator, the amount of compensation shall be such as the arbitrator appointed in this behalf by the State Government may determine :

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the State Government to an arbitrator appointed in this behalf by the State Government for determination, and shall be determined in accordance with the decision of such arbitrator.

Explanation.—In this sub-section, the expression “person interested” means the person who was in actual possession of the premises requisitioned under section 75A immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever the State Government requisitions any vehicle under section 75A, there shall be paid to the owner thereof compensation, the amount of which shall be determined by the

¹ See foot-note 1 on page 290, *ante*.

[West Ben. Act

*(Part II.—Chapter IV.—Election of Councillors and Aldermen.—
Sections 75C—75E.)*

State Government on the basis of the fares or rates prevailing in the locality for the hire of such vehicle :

Provided that where the owner of such vehicle being aggrieved by the amount of compensation so determined, makes an application to the State Government within thirty days from the date of the service upon him of the order determining the compensation for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine :

Provided further that if immediately before the requisitioning the vehicle was by virtue of a hire-purchase agreement in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the State Government in this behalf may decide.

(3) Any amount payable by the State Government on account of compensation under sub-section (1) or sub-section (2) shall be paid by the Corporation to the State Government out of the Municipal Fund.

Power to
obtain in-
formation.

¹75C. The State Government may, with a view to requisitioning any property under section 75A or determining the compensation payable under section 75B, by order, require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified.

Powers of
entry into
and inspec-
tion of
premises,
etc.

¹75D. Any person authorised in this behalf by the State Government may enter into any premises and inspect such premises and any vehicle therein for the purpose of determining whether, and if so in what manner, an order under section 75A should be made in relation to such premises or vehicle or with a view to securing compliance with any order made under that section.

Eviction
from requi-
sitioned
premises.

¹75E. (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 75A may be summarily evicted from the premises by any officer empowered by the State Government in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility

¹ See foot-note 1 on page 290, *ante*.

XXXIII of 1951.]

**(Part II.—Chapter IV.—Election of Councillors and Aldermen.—
Sections 75F—75H.)**

to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

¹75F. (1) When any premises requisitioned under section 75A are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there was no such person, to the person deemed by the State Government to be the owner of such premises, and such delivery of possession shall be a full discharge of the State Government from all liabilities in respect of such delivery. But shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

Release of premises from requisition.

(2) Where the person to whom possession of any premises requisitioned under section 75A is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the State Government shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the *Official Gazette*.

(3) When a notice referred to in sub-section (2) is published in the *Official Gazette*, the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof; and the State Government shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

¹75G. The State Government may, by notification in the *Official Gazette*, direct that any powers conferred or any duty imposed on the State Government by any of the provisions of sections 75A to 75F shall, under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer or class of officers as may be so specified.

Delegation of functions of the State Government with regard to requisitioning.

¹75H. If any person contravenes any order made under section 75A or section 75C, he shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

Penalty for contravention of any order regarding requisitioning.

¹See foot-note 1 on page 290, *ante*.

[West Ben. Act

(Part II.—Chapter V.—Municipal Officers and Servants.—
Section 76.)

CHAPTER V.

Municipal Officers and Servants.

Appoint-
ment and
salary of
principal
officers.

76. ¹(1) The State Government shall appoint a person to be the Finance Officer and Chief Accountant of the Corporation and the Corporation shall appoint proper persons to be the Chief Engineer, the Health Officer and the Secretary and may appoint one or more Deputy Commissioners.

(2) An officer referred to in sub-section (1) may be appointed on probation before he is confirmed in the post.

* * * * *

(4) ²(a) The appointment of any Officer made by the Corporation under sub-section (1) shall be subject to the approval of the State Government.

(b) If the State Government refuses to approve the appointment of any officer '[referred to in clause (a),] the Corporation shall make a fresh appointment to the post of such officer within forty-five days from the date of receipt of the communication refusing such approval, and in the event of the failure of the Corporation to make a fresh appointment within such time, the State Government may appoint a person to the post of such officer, provided that pending the approval or the appointment by the State Government as aforesaid, the Corporation may appoint a person to such post for a temporary period on salary and allowances not exceeding those provided for such officer.

³(5) The terms and conditions of service of the Finance Officer and Chief Accountant shall be governed by the regulations framed under section 85 :

¹This sub-section (1) was substituted for the existing sub-section (1) by sec. 28 (1) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Sub-section (3) was omitted by sec. 4 of the Calcutta Municipal (Amendment) Act, 1955 (West Ben. Act I of 1955).

³This clause was substituted for the existing clause by sec. 28(2) (a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

⁴These words were substituted for the words 'referred to in sub-section (1)' by sec. 28(2) (b), *ibid.*

⁵This sub-section was added by sec. 28(3), *ibid.*

XXXIII of 1951.]

(Part II.—Chapter V.—Municipal Officers and Servants.—
Sections 76A—78.)

Provided that if a person in the service of Government be appointed the Finance Officer and Chief Accountant, there shall be paid out of the Municipal Fund—

- (a) such salary and allowances to him as the State Government may determine, and
- (b) such contributions towards his leave allowances, pension or provident fund as may be required by the conditions of his service under the Government, to be paid by or for him, as the case may be.

¹76A. The Finance Officer and Chief Accountant shall, subject to rules made by the State Government in this behalf, advise the municipal authorities referred to in section 6, the Accounts Committee and the Estimate Committee on matters involving financial implications and may report any such matter to the Accounts Committee or the Estimate Committee, as the case may be.

Finance Officer and Chief Accountant to advise municipal authorities, Accounts Committee and Estimate Committee on financial matters.

age 295—

*Omit section 77.

(Omitted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

commence-
Municipal

.. XVIII of 1964].

¹8. (1) The Commissioner shall from time to time prepare and lay before ²[the Standing Committee dealing with Finance and Establishment (hereinafter referred to as the Standing Finance Committee)] a Schedule setting forth the designation and grades of the officers and servants other than those mentioned in sub-section (1) of section 76 who should in his opinion constitute the Corporation establishment indicating the salaries, fees and allowances payable to them.

Schedule of posts.

(2) The Standing Finance Committee may either approve or amend such Schedule as it thinks fit and shall lay such Schedule before the Corporation for its consideration and approval.

(3) The Corporation shall sanction such Schedule with or without modifications as it thinks fit and may from time to time amend it either of its own motion after ascertaining the opinion of the Commissioner and the Standing Finance Committee or at the instance of the Commissioner and Standing Finance Committee :

¹Section 76A was inserted by sec. 24 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "the Standing Finance Committee" by sec. 26(a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

[West Ben. Act

(Part II.—Chapter V.—Municipal Officers and Servants.—
Sections 79—81.)

¹Provided that the sanction of the Corporation shall be subject to the approval of the State Government where such sanction relates to—

- (i) the creation of a post carrying a maximum salary not below one thousand rupees per month, or
- (ii) the enhancement of the salary of a post to one thousand rupees or more per month.

Persons
not in-
cluded in
Schedule
not to be
appointed.

79. (1) No officer or servant shall be entertained in any department of the municipal administration unless he has been appointed under section 76 or his office and emoluments are included in the Schedule for the time being in force prepared and sanctioned under section 78.

(2) Nothing in this section shall be construed as affecting the right of the Corporation or the Commissioner to make any temporary appointment for a period not exceeding six months which it or he is empowered to make under this Act.

2. In section 80 of the Calcutta Municipal Act, 1951 (hereinafter referred to as the said Act), for the words "five hundred", the words "seven hundred rupees" shall be substituted.

Amend-
ment of
section 80
of West
Ben. Act
XXXIII
of 1951.

ntments to

(b) by the Commissioner, in all other cases.

3. In section 81 of the said Act, for the words "three hundred rupees", wherever they occur, the words "seven hundred rupees" shall be substituted.

Amend- (1)
ment of ow
section 81. be
service

of the
State
Public
Service
Commis-
sion or the
Municipal
Service
Commis-
sion.

(2) Appointments to posts carrying a maximum salary ^a[above three hundred rupees] but below one thousand and five hundred rupees per month shall be made on the recommendation of the Municipal Service Commission.

¹This proviso was added by sec. 26(b), of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "is not below two hundred and fifty" by sec. 27, *ibid*.

³These words were substituted for the words "not below two hundred and fifty rupees" by sec. 28(2), *ibid*.

XXXIII of 1951.]

**(Part II.—Chapter V.—Municipal Officers and Servants.—
Section 81.)**

(3) The Municipal Service Commission ¹[shall, if necessary, hold examination] for recommending candidates for appointment to posts mentioned in the Schedule referred to in section 78, the maximum salary of which is ²[above three hundred rupees] but below one thousand and five hundred rupees per month.

(4) The appointing authority may propose that in any particular case the vacancy in a post, the maximum salary of which is ³[above three hundred rupees] per month should be filled up by promotion from subordinate ranks. The State Public Service Commission or the Municipal Service Commission, as the case may be, shall decide whether such vacancy shall be filled up by promotion or by direct recruitment and in the latter case shall invite applications and take such other steps as it may consider necessary for the purpose of recommending candidates for appointment to the vacancy :

⁴Provided that when applications are invited under this sub-section, officers and servants of the Corporation possessing the requisite qualifications shall be entitled to apply.

4. In sub-section (5) of section 81 of the said Act—

(i) for the words and figures “sub-sections (1), (2), (3) and (4)”, the words and figures “sub-sections (1), (2), (3), (4) and (6)” shall be substituted;

(ii) after the words “service of Government”, the words “or of a Statutory body” shall be inserted.

Amend-
ment of
section 81.

xxxv Feb
5/72

(6) Appointments to posts, the maximum salary of which ⁵[does not exceed three hundred rupees] per month shall be made by the Commissioner subject to such regulations relating to such appointment as may be framed by the Municipal Service Commission and approved by the Corporation.

¹These words were substituted for the words “shall hold examination periodically” by sec. 28(2) (a), of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964.)

²These words were substituted for the words “not below two hundred and fifty rupees” by sec. 28(2) (b), *ibid.*

³These words were substituted for the words “not below two hundred and fifty rupees” by sec. 28(3) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

⁴This proviso was added to sub-section (4) by sec. 16 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

⁵These words were added by sec. 28(4) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

⁶These words were substituted for the words “is below two hundred and fifty rupees” by sec. 28(5), *ibid.*

[West Ben. Act

(Part II.—Chapter V.—Municipal Officers and Servants.—
Sections 82, 83.)

Constitu-
tion of
Municipal
Service
Commis-
sion.

82. (1) The State Government shall, as soon as may be after the commencement of this Act, ¹constitute a Municipal Service Commission consisting of—

- (a) a Chairman who shall be a member of the State Public Service Commission, deputed by such Commission from time to time, and
- (b) two members, one of whom shall be nominated by the State Government and the other by the Corporation.

(2) The State Government shall by ²rules made in this behalf provide for—

- (a) the term of office ³[, salaries and allowances, if any,] and conditions of service of the members (other than the Chairman) of the Municipal Service Commission ;
- (b) the manner in which the Commission shall perform the duties imposed upon it by or under this Act ;
- (c) the number of members of the staff of the Commission and their ⁴[salaries, allowances (if any), and] conditions of service.

Salaries
and
allowances
of the
Municipal
Service
Commis-
sion and
its staff.

83. ⁵[The salaries and allowances, if any, of the members] (other than the Chairman) of the Municipal Service Commission and the staff thereof shall be paid from the Municipal Fund

¹For notification constituting a Municipal Service Commission, see notification No. M./G-84/53, dated 31.7.53, published in the *Calcutta Gazette* of 1953, Part I, pages 2496-2497, as subsequently amended from time to time.

²For the Calcutta Municipal Service Commission Rules, 1954, made under sec. 82(2), see notification No. 680M/3R-6/53, dated 20.1.54, published in the *Calcutta Gazette, Extraordinary* of 1954, Part I, pages 51-56, as subsequently amended from time to time.

³These words were inserted by sec. 17(1) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

⁴These words and brackets within square brackets were inserted by sec. 17(2), *ibid.*

⁵These words were substituted for the words "The members" by sec. 18(1) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

⁶The words "such salaries and allowances as the Corporation may prescribe by rules made in this behalf" were omitted by sec. 18(2), *ibid.*

XXXIII of 1951.]

5. For section 84 of the said Act, the following section shall be substituted, namely:—

“Contribution in respect of leave allowance, pension or provident fund of servant of Government or Statutory body appointed to be municipal officers or servants.

84. When a servant of Government or of a Statutory body is appointed to be a municipal officer or servant, the Corporation shall pay such contributions towards his leave allowance, pension or provident fund as may be required under the conditions of his service under Government or Statutory body, to be paid by or for him, as the case may be.”

Price—10 P.

Substitution of new section for section 84.

Act xxx of 1951
172
Municipal officers or servants.

85. (1) Subject to other provisions of this Act, the Standing Finance Committee may in consultation with the State Public Service Commission, in the case of the officers holding posts referred to in sub-section (1) of section 76 or posts carrying a maximum salary of not below one thousand five hundred rupees per month and with the Municipal Public Service Commission in the case of other municipal officers and servants, frame regulations—

Power of the Standing Finance Committee to make regulations.

- (a) fixing the amount and nature of security, if any, to be furnished ;
- (b) regulating the grant of leave, leave allowance and acting allowance ;
- (c) regulating the grant of pension, bonus and gratuities ;
- (d) regulating the grant of travelling allowance and house-rent allowance ;
- (e) regulating the fixation of initial pay on a time-scale of pay ;
- (f) regulating compassionate allowance and gratuities to municipal officers and servants and families of deceased municipal officers and servants ;
- (g) establishing and maintaining provident funds or annuity funds and making contributions thereto compulsory both by the municipal officers and servants concerned and from the Municipal Fund ;
- (h) prescribing the qualification for employment of municipal officers and servants ;
- (i) regulating conduct of municipal officers and servants ; and
- (j) generally prescribing the conditions of service of municipal officers and servants :

[West Ben. Act

*(Part II.—Chapter V.—Municipal Officers and Servants.—
Section 86.)*

Provided that every regulation so framed shall be subject to confirmation by the Corporation :

Provided further that in framing regulations as aforesaid, express provision shall be made so as to ensure that any money payable to a municipal officer or servant upon his retirement from any provident fund or annuity fund or as gratuity shall be paid to him within six months of such retirement.

(2) The Corporation may, in accordance with the regulations framed under sub-section (1), grant—

(a) pensions, allowances, bonuses and gratuities to municipal officers and servants, and

(b) compassionate allowances and gratuities to members of the families of deceased municipal officers and servants,

and may also supplement contributions to a provident fund or an annuity fund in accordance with the said regulations.

(3) Subject to any regulations framed under sub-section (1), the Commissioner may grant leave of absence to any municipal officer or servant :

Explanation.—For the purposes of this Chapter the family of a municipal officer or servant shall be deemed to include his wife, children, father, mother, brother, or sister, dependent upon him for support.

Municipal
officers and
servants
when
disquali-
fied.

86. (1) If any municipal officer or servant is habitually in heavy debt or acquires directly or indirectly by himself or his partner, or an employee, any share or interest in any contract with or on behalf of the Corporation, the authority appointing such municipal officer or servant shall refer the case of such municipal officer or servant to the State Public Service Commission if he was appointed on the recommendation of the State Public Service Commission or the Municipal Service Commission in other cases and shall if so recommended by such Commission dismiss such municipal officer or servant :

Provided that in applying this sub-section in relation to the question of any municipal officer or servant being habitually in heavy debt, any debt owed by him to a co-operative society or a body corporate constituted or established by or under an Act of a Legislature, shall not be taken into consideration :

Provided further that nothing in this sub-section shall apply in respect of any share or interest in any incorporated company which contracts with or is employed by the Corporation.

¹The proviso to sub-section (3) was omitted by sec. 29 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

(Part II.—Chapter V.—Municipal Officers and Servants.—
Section 87.)

(2) (i) Any municipal officer or servant who, after the commencement of this Act, is convicted of an offence against the State or sentenced either to rigorous imprisonment for any term or to simple imprisonment for a term of six months or more shall be deemed to be dismissed from service with effect from the date of his conviction and his office shall become vacant from such date.

(ii) If the conviction or sentence in respect of which any person is deemed to be dismissed under clause (i) is set aside by a competent court, such person shall be deemed to have been suspended, and not dismissed from service from the date of his conviction until the date on which the conviction or sentence is set aside.

(iii) The State Government may of its own motion or on receipt of an application ¹[, together with a certified copy of the judgment,] from the person concerned by an order in writing exempt any person from the operation of clause (i) in respect of a conviction specified in such order and thereupon such person shall be deemed to have been suspended and not dismissed from service, from the date of his conviction until the date of such order.

(iv) An application for exemption from the operation of clause (i) may be made to the State Government by the convicted person within two months after the date of his conviction. If the State Government fails to pass final orders thereon within three months after receipt of the application ²[, together with a certified copy of the judgment,] such person shall be exempted from the operation of clause (i) and shall be deemed to have been suspended, and not dismissed, from service from the date of his conviction.

Explanation.—The expression “offence against the State” means an offence included in Chapter VI or Chapter VII of the Indian Penal Code and any attempt or conspiracy to commit, or any abetment of, any offence included in the said chapters.

Act of XLV
of 1860.

87. Every municipal officer and servant may be fined, ³[reduced in rank, suspended, removed or dismissed, or his increment of pay may be withheld, for any breach] of departmental rules or of discipline or for carelessness, negligence of duties or other misconduct by the authority by whom such officer or servant is appointed :

Punish-
ment of
municipal
officer or
servant.

¹These words were inserted of by sec. 30(a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were inserted by sec. 30(b), *ibid*.

³These words were substituted for the words “reduced, suspended or dismissed for any breach” by sec. 31(a), *ibid*.

[West Ben. Act

'Part II.—Chapter VI.—Conduct of Business.—Section 88.)

Provided—

- (a) that in the case of a municipal officer or servant drawing a salary ¹[below one hundred and fifty rupees] *per mensem* and appointed by an authority to whom the power of appointment has been delegated by the Commissioner, an appeal shall lie to the Commissioner ;
- (b) that in the case of a municipal officer or servant appointed by the Commissioner an appeal shall lie to the Mayor ;
- (c) that in the case of a municipal officer or servant appointed by the Corporation on the recommendation of the Municipal Service Commission, an appeal shall lie to the Mayor ; ^{2*}
- (d) that in the case of a municipal officer or servant appointed by the Corporation on the recommendation of the State Public Service Commission, an appeal shall lie to the State Government.
- ³(e) that a municipal officer or servant appointed on the recommendation of the State Public Service Commission or the Municipal Service Commission, as the case may be, shall not be reduced in rank, removed or dismissed except after consultation with such Commission.

CHAPTER VI.

Conduct of Business.

Transaction of Business by the Corporation.

Meetings.

88. (1) The Corporation shall meet not less than once a month for the transaction of business.

(2) The Mayor or, in his absence, the Deputy Mayor may, whenever he thinks fit, and shall, upon a requisition made in writing by any twenty Councillors or Aldermen, call a meeting of the Corporation.

¹These words were substituted for the words "not exceeding one hundred rupees" by sec. 31(b), of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²The word "and" was omitted by sec. 31(c), *ibid.*

³This clause (e) was added by sec. 31(d), *ibid.*

XXXIII of 1951.]

(Part II.—Chapter VI.—Conduct of Business.—Sections 89—91.)

89. The first meeting of the Corporation after a general election of Councillors shall be held as early as possible after the election of Aldermen under section 9 ¹[and such meeting and the first meeting in each year to elect a Mayor and a Deputy Mayor under section 10 shall be convened] by the Commissioner.

First meeting after general election.

90. A list of the business to be transacted at every meeting except at an adjourned meeting shall be ²[sent] to the registered address of each Councillor and Alderman at least seventy-two hours before the time fixed for such meeting ; and no business shall be brought before, or transacted at, any meeting other than the business of which notice has been so given :

Notice of meetings and business.

Provided that any Councillor or Alderman may send or deliver to the Commissioner notice of any resolution * * * so as to reach him at least forty-eight hours before the date fixed for the meeting and the Commissioner shall with all possible despatch take steps to circulate such resolution to every Councillor and Alderman in such manner as he may think fit.

Explanation.—In this section, “registered address” means the address for the time being entered in the register of addresses of Councillors and Aldermen, maintained in this behalf by the Commissioner.

91. (1) All matters required to be decided by the Corporation shall, save as in this Act otherwise provided, be determined by a majority of the Councillors and Aldermen voting at the meeting before which the matter is brought.

Vote of majority decisive.

(2) The voting shall be by show of hands provided that the Corporation may, subject to such rules as may be made by it, resolve that any question or class of questions shall be decided by ballot.

(3) At any meeting, unless a poll be demanded by at least five members, a declaration by the presiding officer of such meeting that a resolution has been carried or lost, and an entry to that effect in the minutes of the proceedings shall, for the purposes of this Act, be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution.

¹These words were substituted for the words “and shall be convened” by sec. 2 of the Calcutta Municipal (Second Amendment) Act, 1960 (West Ben. Act XIV of 1960).

²This word was substituted for the word “posted” by sec. 19(1) of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1958).

³The words “going beyond the matters mentioned in the notice given of such meeting” were omitted by sec. 19(2), *ibid.*

(Part II.—Chapter VI.—Conduct of Business.—Sections 92—94.)

After section 92, insert the following section, namely:—

92. (1)
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Councillors
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**Provisions
as to Coun-
cillors or
Aldermen
having
pecuniary
interest in
any con-
tract, etc.,
with Cor-
poration.**

[No. 2, dated the 1st May, 1970.]

7. (1), in a Committee of the Corporation or in a meeting of the Corporation or of a Committee at which the contract or other matter is the subject of consideration, he shall at the meeting as soon as practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on any question with respect to the contract or other matter :

¹Section 93 was substituted for the original section by sec. 3 of the Calcutta Municipal (Second Amendment) Act, 1960 (West Ben. Act XIV of 1960).

³This sub-section was added by sec. 82 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

(Part II.—Chapter VI.—Conduct of Business.—Section 95.)

Provided that this section shall not apply to an interest which a member may have as a rate-payer or inhabitant of the area or an ordinary consumer of gas, electricity or water, or to an interest in any matter relating to the terms on which the right to participate in any service including the supply of goods is offered to the public.

(2) For the purpose of this section a person shall be treated as having indirectly a pecuniary interest in a contract, employment or other matter, if he or any nominee of his is a member of any company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the employment or other matter under consideration, or if he is a partner or is in the employment of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest in the employment or other matter under consideration :

Provided that—

- (i) this sub-section shall not apply to membership of or employment under any public body ;
- (ii) a member of a company or other body shall not by reason only of his membership, be treated as being so interested if he has no beneficial interest in any shares or stock of that company or other body.

(3) In the case of married persons living together the interest of one spouse shall be deemed for the purpose of this section to be also the interest of the other spouse.

(4) A general notice given to the Commissioner by a Councillor or Alderman to the effect that he or his spouse is a member of a specified company or he or his spouse is a partner or in the employment of a specified person, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract, employment or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(5) The Commissioner shall record in a book to be kept for the purpose particulars of any disclosure made under sub-section (1) and of any notice given under sub-section (4) and the book shall be open at all reasonable hours for the inspection of any Councillor or Alderman.

95. (1) Every meeting shall be open to the public, unless a majority of the Councillors and Aldermen present at the meeting decide by a resolution which shall be put by the presiding officer on his motion or at the request of any such Councillor or Alderman without previous discussion that any enquiry or deliberation pending before the Corporation shall be held in private.

Meeting to be ordinarily open to public.

[West Ben. Act

(Part II.—Chapter VI.—Conduct of Business.—Sections 96—99.)

(2) The Corporation may make rules for regulating the admission of the members of the public to its meetings and for the removal by force, if necessary, of any member of the public admitted to a meeting under such rules, for interrupting or disturbing the proceedings of the meeting.

Quorum.

96. No business shall be transacted at any meeting unless a quorum of twenty members be present throughout the meeting :

Provided that, if any meeting fails on the ground that there is not a sufficient number of members present to form a quorum, the Presiding Officer shall direct that a meeting be held at such time and place as he thinks fit. The Commissioner shall give notice to all members of the time and place of such meeting. The business which should have been brought before the original meeting shall be brought forward and disposed of in the usual manner at such meeting at which the presence of ten members shall be sufficient to form a quorum.

Power to
Corpora-
tion to
make rules.

97. The Corporation may make rules for the conduct of the business at its meeting.

Special
Commit-
tees and
other Com-
mittees.

98. (1) The Corporation may, from time to time, by specific resolution, constitute a Special Committee consisting of such Councillors or Aldermen and other persons, if any, as it thinks fit to enquire into and report upon any matter (to be specified in such resolution) which may arise in connection with any of the powers, duties and functions of the Corporation ¹* * *. All members of a Special Committee whether Councillors or Aldermen or not, shall have the same right to take part in discussion and to vote.

(2) The Corporation may, at any time, constitute any other Committee for any purpose it thinks fit.

Provisions
relating
to Special
Com-
mittees.

* 99. (1) Every Special Committee shall conform to any instructions that may from time to time be given to it by the Corporation.

(2) The Corporation may at any time dissolve or alter the constitution of any Special Committee, and also at any time withdraw from any Special Committee any of the powers, duties and functions delegated to it.

(3) Every Special Committee shall appoint one of their number to be the Chairman :

Provided that no Councillor or Alderman shall be the Chairman of more than one Special Committee.

¹The words "and which is not at the time under consideration by a Standing Committee" were omitted by sec. 30 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

XXXIII of 1951.]

**(Part II.—Chapter VI.—Conduct of Business.—
Sections 100—102.)**

(4) In the absence of the Chairman from any meeting the members of the Special Committee shall choose one of their number to preside over the meeting.

(5) The report of every Special Committee shall, as soon as may be practicable, be laid before the Corporation which may thereupon take such action as it thinks fit, or may refer back the matter to the Special Committee for further investigation and report.

Transaction of Business by Standing and other Committees.

100. (1) The Chairman or in his absence the Deputy Chairman shall preside at every meeting of a Standing Committee.

Presiding
Officers at
meetings of
Standing
Com-
mittees.

(2) In the absence of the Chairman and the Deputy Chairman from any meeting, the members of the Standing Committee shall choose one of their number to preside over the meeting.

101. (1) The Corporation may make rules for regulating the conduct of business at meetings of Standing Committees, and Special Committees and of Sub-Committees, and for providing for the constitution and conduct of business of Joint Committees of two or more Standing Committees and Sub-Committees of such joint Committees in respect of matters in which two or more Standing Committees may be jointly interested.

Conduct of
business
at meetings
of Standing
Com-
mittees,
etc.

(2) In making such rules, the Corporation may provide that all or any of the provisions of section 91 and of sections 94 to 96 (inclusive) may with such modification as it thinks fit apply to such Standing Committees, Special Committees, Joint Committees or Sub-Committees.

102. (1) Any Standing Committee, Special Committee or Joint Committee may appoint one or more Sub-Committees for any purpose with which it is entitled to deal and which, in its opinion, can be more usefully carried out by a Sub-Committee.

Sub-Com-
mittees
of Standing
Com-
mittee.

(2) A Sub-Committee may be appointed for such time and subject to such limitations and conditions as the Committee appointing the Sub-Committee may from time to time think fit.

(3) No Sub-Committee shall continue to exist after the Committee appointing it has ceased to exist.

(4) All proceedings of any Sub-Committee shall be subject to confirmation by the Committee appointing it.

(5) It shall not be necessary for a member of a Sub-Committee to be a member of the Committee appointing such Sub-Committee.

[West Ben. Act

*(Part II.—Chapter VI.—Conduct of Business.—
Sections 103—106.)**Minutes and Reports of Proceedings.*Keeping of
minutes
and
proceed-
ings.

103. Minutes, in which shall be recorded the names of the members present at, and the proceedings of, each meeting of the Corporation and of every Standing Committee, Special Committee or Joint Committee, respectively, shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be laid before the next ensuing meeting of the Corporation or of such Committee, as the case may be, and signed at such meeting by the Presiding Officer thereof.

Inspection
of minutes
and
reports of
proceed-
ings.

104. The minutes referred to in section 103 and the full reports (if any) of the proceedings of meetings of the Corporation, shall, at all reasonable times, be kept open at the municipal office for inspection by any Councillor or Alderman without charge, and by any other person on payment of a fee of eight annas.

Forward-
ing of
minutes
and
reports of
proceed-
ings to
State
Govern-
ment.

105. (1) The Commissioner shall forward to the State Government a copy of the minutes of the proceedings of each meeting of the Corporation, within ten days from the date on which the minutes of the proceedings of such meeting were signed as provided in section 103.

(2) The State Government may also in any case call for a copy of any paper or all the papers which were laid before the Corporation or the Standing Committee or Special Committee or Joint Committee as the case may be and the Commissioner shall forward to the State Government a copy of such paper or all such papers.

(3) The Commissioner shall also forward to the State Government as soon as may be, after the date referred to in sub-section (1), a full report of the proceedings of the meetings of the Corporation, if any such report be prepared.

*Validation.*Validation
of acts and
proceedings.

106. (1) No act done or proceeding taken under this Act shall be questioned on the ground merely of—

- (a) the existence of any vacancy in, or any defect in the constitution of, the Corporation, or any Standing Committee or Special Committee or Joint Committee,
- (b) any Councillor or Alderman having voted or taken part in any proceedings in contravention of section 94, or
- (c) any defect or irregularity not affecting the merits of the case.

XXXIII of 1951.]

(Part II.—Chapter VI.—Conduct of Business.—
Sections 107—109.)

(2) Every meeting of the Corporation, or of any Standing Committee or Special Committee or Joint Committee the minutes of which are to be kept as prescribed, shall be conducted in the manner prescribed as prescribed convened and

Page 309—

*In section 108—

- (a) in the marginal note, for the word "twenty-five", substitute the word "ten";
- (b) for the word "twenty-five", substitute the word "ten"; and
- (c) in the proviso, for the word "five", substitute the word "two";

r generally for
case whether
a contract or
Execution of works.

(Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

by estimate the
is and rupees :

Estimates
not
exceeding
rupees
twenty-five
thousand.

~~estimates not exceeding~~ five thousand
ance Officer and
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Page 309—

*In section 108A—

- (a) in the marginal note,—
 - (i) for the word "twenty-five", substitute the word "ten";
 - (ii) for the words "one lakh", substitute the words "fifty thousand";
- (b) (i) for the words "twenty-five thousand rupees", substitute the words "ten thousand rupees";
- (ii) for the words "one lakh of rupees" substitute the words "fifty thousand rupees".

Execution of any
cost of which
not exceed one

Estimates
exceeding
rupees
twenty-five
thousand
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exceeding
rupees one
lakh.

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to the Estimate
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its suggestions.

(Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

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ety or subject

Pages 309-310—

*In section 109,—

- (a) in the marginal note, for the words "one lakh", substitute the words "fifty thousand";
- (b) in sub-section (1), for the words "one lakh of rupees", substitute the words "fifty thousand rupees"; and
- (c) in clause (a) of sub-section (2), for the word "five", substitute the words "two and a half".

duction of any
cost of which

Estimates
exceeding
rupees
[one
lakh].

sec. 33 of the
a. Act XVIII of

(Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

l for the words
and Amendment)

These words were substituted for the words "fifty thousand rupees" by sec. 35(B)(a), *ibid.*

[West Ben. Act

(Part II.—Chapter VI.—Conduct of Business.—Section 110.)

- (a) the Commissioner shall cause a detailed report to be prepared including such estimates and drawings as may be requisite and forward the same to the ¹[Estimate Committee which] shall submit the same before the Corporation with its suggestions, if any ;
- (b) the Corporation shall consider the report and the suggestions and may reject the project or may approve it either in its entirety or subject to modifications.
- (2) (a) Where the Corporation approves the project and the entire estimated cost exceeds five lakhs of rupees the report, subject to any modifications as aforesaid, shall be submitted to the State Government.
- (b) The State Government may reject the project or may sanction it either in its entirety or subject to modifications.
- (c) The work shall not be commenced before the project has been sanctioned by the State Government with or without modification.
- (d) No material change in the project sanctioned as aforesaid shall be carried into effect without the sanction of the State Government.

Explanation.—In this section and in ²[sections 108 and 108A] the expression “estimate” means the total estimate for the whole of a project including the whole of the series of transactions constituting the project.

Certain provisions relating to execution of contracts.

110. ³(a1) Subject to the provisions of this Act, the Corporation may enter into and perform all such contracts as it may consider necessary or expedient under or for any purpose of this Act.

(1) With respect to the ⁴[making of contracts referred to in sub-section (a1)] the following provisions shall have effect, namely :—

- (a) Every contract shall be made on behalf of the Corporation by the Commissioner.

¹The words “Committee concerned which” were first substituted for the words “Committee who” by sec. 21 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953), and thereafter the words “Estimate Committee” were substituted for the words “Standing Committee concerned” by sec. 85(B)(b) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words, figures and letter were substituted for the word and figures “section 108” by sec. 85(C) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

³Sub-section (a1) was inserted by sec. 22(1), of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

⁴These words, figure letter and brackets were substituted for the words “making of contracts under or for any purpose of this Act” by sec. 22(2)(a), *ibid.*

XXXIII of 1951.]

(Part II.—Chapter VI.—Conduct of Business.—
Section 111.)

- (b) No contract for any purpose, which in accordance with any provisions of this Act or any rules made thereunder the Commissioner may not carry out without the sanction of one of the other municipal sanction

Page 311—

*In sub-section (I) of section 110,—

- (a) in clause (d), for the words "one lakh of rupees", substitute the words "fifty thousand rupees"; and *
- (b) in clause (e), for the words "exceeding ten thousand rupees and not exceeding one lakh of rupees", substitute the words "exceeding five thousand rupees and not exceeding twenty-five thousand rupees".

(Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

every variation or discharge of a contract as well as to an original contract.

111. (I) Every contract entered into by the Commissioner on behalf of the Corporation shall be entered into in such manner and form as would bind him if it were made on his own behalf and may in like manner and form be varied or discharged :

Manner of execution.

Provided that (a) the common seal of the Corporation shall be affixed to every contract which, if made between private persons, would require to be under seal and (b) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding [two thousand and five hundred] rupees shall be in writing, shall be sealed with the seal of the Corporation and shall specify—

- (i) the work to be done or the materials or goods to be supplied, as the case may be,
- (ii) the price to be paid for such work, materials or goods, and
- (iii) the time or times within which the contract or specified portion thereof shall be carried out.

*Clause (c) was omitted by sec. 86(a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

*These words were substituted for the words "fifty thousand rupees" by sec. 86(b), *ibid.*

*These words were substituted for the words "exceeding one thousand rupees and not exceeding ten thousand rupees shall be reported to the Standing Committee concerned with the contract" by sec. 86(c), *ibid.*

*These words were substituted for the words "one thousand" by sec. 28 of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1958).

[West Ben. Act

*(Part II.—Chapter VI.—Conduct of Business.—
Sections 112—114.)*

(2) The common seal of the Corporation shall remain in the custody of the Commissioner and shall not be affixed to any contract or other instrument except in the presence of a Councillor or an Alderman, who shall attach his signature to the contract or instrument in token that the same was sealed in his presence.

(3) The signature of the said Councillor or Alderman shall be distinct from the signature of any witness to the execution of such contract or instrument.

(4) No contract executed otherwise than as provided in this section shall be binding on the Corporation.

Tender.

112. (1) At least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding ten thousand rupees the Commissioner shall give notice by an advertisement inviting tenders for such contract :

Provided that the Corporation may at the instance of the Commissioner and with the sanction of the State Government, for reasons which shall be recorded in the proceedings, authorise the Commissioner to enter into a contract without inviting tenders.

Explanation.—For the avoidance of doubt it is hereby declared that in this sub-section the expression “contract” includes cash purchases.

(2) On receipt of the tenders made in pursuance of the notice given under sub-section (1) the Commissioner may subject to the provisions of sections 108, 109 and 110, accept any tender which appears to him upon a view of all the circumstances to be the most advantageous, but ¹[if he rejects all the tenders or accepts a tender other than the lowest tender, he shall report such rejection or acceptance, as the case may be, with the reasons therefor to the Estimate Committee,]

Contracts
at unit
rates.

113. When work is given on contract at unit rates and the number of units is not precisely determinable, the contract shall not be deemed to contravene the provisions of sections 108, 109 and 113 merely by reason of the fact that the pecuniary limits therein laid down are eventually exceeded.

Security
for per-
formance
of contract.

114. The Commissioner shall ordinarily take sufficient security for the due performance of every contract into which he enters under this Act.

¹These words were substituted for the words “he shall not reject all the tenders without the sanction of the Corporation” by sec. 37 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

(Part III.—Chapter VII.—The Municipal Fund.—
Sections 115—118.)

PART III

FINANCE.

CHAPTER VII.

The Municipal Fund.

115. There shall be one Municipal Fund held by the Corporation in trust for the purposes of this Act to which all moneys realised or realisable under this Act (other than fees levied by Magistrates) and all other moneys shall be credited. Municipal Fund.

116. All money shall be forthwith credited to the account of the Municipal Fund of the City of Calcutta, *substitute the words "the account of the Municipal Fund of the Howrah"* Municipal Fund.
(Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

117. (1) The Municipal Fund shall be applied in payment of all sums, charges and costs necessary for carrying out the purposes of this Act, or of which the payment is duly directed or sanctioned by or under any of the provisions of this Act. [No. 2, dated the 1st May, 1970.]
Municipal Fund.

(2) Such moneys shall likewise be applied in payment of all sums payable out of the Municipal Fund under any other enactment for the time being in force.

118. (1) Subject to the provisions of sections 46, 152 and 153, no payment shall be made by the ²[State Bank of India] out of the Municipal Fund except upon a cheque signed— Drafts on the Municipal Fund.

(a) by any two of the following persons, namely,—

- (i) the Commissioner,
- (ii) the Deputy Commissioner,
- (iii) the Secretary,
- (iv) the Finance Officer and Chief Accountant, or,

(b) in the event of the illness or absence from Calcutta of any three of the persons mentioned in clause (a), by the remaining one of such persons and any other person appointed in that behalf by the Standing Finance Committee, or

¹These words were substituted for the words "Imperial Bank of India" by sec. 88 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "Imperial Bank of India" by of sec. 39(a), *ibid.*

[West Ben. Act

(Part III.—Chapter VII.—The Municipal Fund.—
Section 119.)

(c) in the event of the illness or absence from Calcutta of all the persons mentioned in clause (a), by any two other persons appointed in that behalf by the Standing Finance Committee.

(2) Except in the case of salaries up to ¹[five hundred rupees] which may be paid in cash, payment of any sum due by the Corporation exceeding one hundred rupees in amount shall be made by means of a cheque signed as provided in sub-section (1), and not in any other way.

(3) Payment of any sum due by the Corporation not exceeding one hundred rupees in amount may be made in cash.

Payments not to be made out of Municipal Fund unless covered by a budget-grant and balance is available.

119. No payment of any sum out of the Municipal Fund shall be made unless the expenditure of the same is covered by a current budget-grant and a sufficient balance of such budget-grant is still available notwithstanding any reduction or transfer thereof which may have been made under section 128 or section 129 :

Provided that this section shall not apply to payments made in the following classes of cases, namely,—

- (a) refunds of taxes and other moneys which are authorised by this Act ;
- (b) repayments of moneys belonging to contractors or other persons and held in deposit and of moneys collected or credited to the Municipal Fund by mistake ;
- (c) sums payable in any of the following circumstances—
 - (i) under section 46 under the orders of the State Government ; or
 - (ii) under section 117, sub-section (2), or section 162 ; or
 - (iii) under the direction of any officer appointed under section 152 or section 153 ; or
 - (iv) under the decree or order of a civil or criminal court passed against the Corporation ; or
 - (v) under a compromise of any suit or other legal proceedings or claim effected under section 585 ; or
 - (vi) on account of cost incurred in taking immediate action by the Commissioner to avert a sudden threat of danger to Corporation property or to human life ;
- (d) temporary payments under section 122 for works urgently required for the public service ;
- (e) sums payable as compensation under this Act or under any rule or by-law made thereunder ;
- (f) expenses incurred by the Corporation in the exercise of the powers conferred by section 502.

¹These words were substituted for the words "three hundred rupees" by sec. 89(b), of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

*(Part III.—Chapter VII.—The Municipal Fund.—
Sections 120—124.)*

120. Before any person authorised under section 118 signs a cheque, he shall satisfy himself that the sum for which such cheque is drawn is either—

Duty of person signing cheque.

(a) required for a purpose or work specifically sanctioned by the proper authority and covered by a current budget-grant, or

(b) required for any payment referred to or specified in section 119.

121. Whenever any sum is expended under clauses (c), (e) or (f) of section 119, proviso, the Commissioner shall forthwith communicate the circumstances to the Standing Finance Committee which shall recommend its suggestions to the Corporation and the latter shall take such action under section 128 as shall in the circumstances appear possible and expedient for covering the amount of the additional expenditure.

Procedure when money not covered by a budget-grant is expended.

122. (1) On the written requisition of a Secretary to the State Government the Commissioner may at any time undertake the execution of any work certified by such Secretary to be urgently required in the interest of public service, and for this purpose may temporarily make payments from the Municipal Fund so far as the sum can be met without unduly interfering with the regular working of the municipal administration.

Temporary payments from the Municipal Fund for works urgently required for the public service.

(2) The cost of all work so executed and of the establishment engaged in executing the same shall be paid by the State Government and credited to the Municipal Fund.

(3) On receipt of any requisition under sub-section (1) the Commissioner shall forthwith forward a copy thereof to the Corporation together with a report of the steps taken by him in pursuance of the same.

123. In dissection shall—

Ben. Act III of 1923.

Pages 315-316—

(i) pay annu lakhs const 1932

*Omit sections 123 and 124.

(Omitted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

Ben. Act III of 1982.

(ii) as soon

[No. 2, dated the 1st May, 1970.]

to the commencement of this Act.

124. The Corporation shall spend annually a sum of not less than five lakhs of rupees for the purpose of promoting primary education among boys and girls residing in Calcutta and whose age does not exceed twelve years.

Expenditure on primary education.

[West Ben. Act

(Part III.—Chapter VII.—The Municipal Fund.—Section 125.—
Chapter VIII.—Budget Estimates.—Section 126.)

Explanation.—For the purpose of this section, primary education includ

mary stage Page 316—

by the Cor

cation Cor

*In sub-section (1) of section 125, omit the words "in Calcutta"

Investment
of surplus
money.

125. (

which car

purposes

terest or place

or in any other bank or bank

ved by the State Government or invested in any of the securities or debentures mentioned in section 146 :

(Omitted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

Provided that, where any money is placed in current account under this sub-section with any bank or banks other than the ¹[State Bank of India], no cheques shall be drawn by the Corporation against such current account, except in favour of the ¹[State Bank of India].

(2) The loss, if any, arising from any such deposit or investment shall be debited to the Municipal Fund.

CHAPTER VIII.

Budget Estimates.

Commis-
sioner to
lay before
the
Standing
Finance
Committee
annual
estimates
of expendi-
ture,
receipts
and
balances
and
statement
of proposed
taxes.

126. The Commissioner shall, on or before the 15th day of December each year, prepare and submit to the Standing Finance Committee in such form as the Corporation may from time to time approve—

- (a) an estimate of the expenditure which should in his opinion be incurred by the Corporation in the next ensuing year,
- (b) an estimate of all balances, if any, which will be available for reappropriation or expenditure at the commencement of the said year,
- (c) a statement of the proposals as to the taxation which it will in his opinion be necessary or expedient to impose under this Act in the said year,
- (d) an estimate of receipts from all sources during the said year, and
- (e) an estimate of loans which have to be raised for the purposes of this Act.

¹These words were substituted for the words "Imperial Bank of India" by sec. 40 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

(Part III.—Chapter VIII.—Budget Estimates.—Section 127.)

127. (1) The Standing Finance Committee shall on or as soon as may be after the 15th day of December each year consider the estimates and proposals submitted under section 126 and proposals, if any, of the other Standing Committees and after calling for such further detailed information as it shall think fit from the Commissioner and having regard to all the requirements of this Act, shall, on the basis of such estimates and proposals, frame, subject to such modifications or additions thereto as it shall think fit, Budget Estimates of the income and expenditure of the Corporation for the next year.

Corporation to frame Budget Estimates.

(2) The Commissioner shall cause the Budget Estimates as finally approved by the Standing Finance Committee to be printed and shall not later than the 15th day of February forward a printed copy thereof to each Councillor and Alderman.

(3) The Budget Estimates prepared by the Standing Finance Committee shall be laid before the Corporation on the 15th February or as soon as possible thereafter and the Corporation shall consider the same. It may refer the estimates back to the Standing Finance Committee for further consideration and resubmission within a specified time and shall—

- (a) on or before the 22nd day of March in each year adopt Budget Estimates of the income and expenditure for the ensuing year, and
- (b) determine, subject to the provisions of Part IV the levy of the consolidated rate and taxes for the said year at such rates as are necessary to provide for the purposes mentioned in sub-section (4) :

Provided that except under section 46 or section 129 the rates so determined shall not be subsequently altered for the year for which they have been determined.

(4) In the Budget Estimates the Corporation shall, among other things—

- (a) make adequate and suitable provisions for such services as may be required for the fulfilment of the several duties imposed by this Act,
- ¹(aa) make adequate provisions for depreciation of machinery belonging to the Corporation, as far as may be possible,
- (b) provide for the payment^{*} as they fall due of all instalments of the principal and interest for which the Corporation may be liable in respect of loans contracted by it,
- (c) allow for a cash balance at the end of the year of not less than twelve lakhs of rupees, and

¹Clause (aa) was inserted by sec. 24 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

[West Ben. Act

(Part III.—Chapter VIII.—Budget Estimates.—Sections 128, 129.)

- (d) allot sums of money to each Borough Committee to enable it to exercise and discharge its powers, duties and functions.

Power to Corporation to alter budget-grants.

128. (1) The Corporation may, on the recommendation of the Standing Finance Committee, from time to time during the year—

- (a) increase the amount of the budget-grant under any head,
- (b) make an additional budget-grant to meet any special or unforeseen requirement arising during the same year,
- (c) transfer the amount or portion of the amount of the budget-grant under any head to the account of the budget-grant under any other head, or
- (d) reduce the amount of the budget-grant under any head :

Provided as follows :—

- (i) due regard shall be had to all the requirements of this Act, and
- (ii) in making any increase or additional budget-grant, the estimated cash balance at the close of the year shall not be reduced below twelve lakhs of rupees.

(2) Every increase to a budget-grant and every additional budget-grant made in any year under sub-section (1) shall be deemed to be included in the Budget Estimates finally adopted for that year.

Power to Corporation to readjust income and expenditure during the year.

129. (1) If at any time during the year it appears to the Corporation that, notwithstanding any reduction of budget-grant that has been made under section 128, the income of the Municipal Fund during the same year will not suffice to meet the expenditure sanctioned in the Budget Estimates of that year and to leave at the close of the year a cash balance of not less than twelve lakhs of rupees, then it shall be incumbent on the Corporation forthwith to sanction any measure which it may consider necessary for proportioning the year's income to the expenditure.

(2) For the purposes of sub-section (1), the Corporation may either diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to all the requirements of this Act, or have recourse to supplementary taxation or to an increase of the rates, or adopt all or any of those methods:

Provided that the rate in respect of any tax including the consolidated rate shall not be raised beyond the maximum prescribed for the tax under this Act, and that the supplementary taxation shall not be imposed unless two-thirds of the members of the Corporation present at a meeting have voted in favour of it.

XXXIII of 1951.]

*(Part III.—Chapter VIII—Budget Estimates.—Section 130.—
Chapter IX.—Loans.—Section 131.)*

130. The exercise or performance by the Commissioner or any municipal officer or servant of any powers, duties and functions by or under this Act which will involve expenditure shall, except in any case specified in the proviso to section 119, be subject to the following conditions, namely,—

Exercise of functions to be subject to sanction of the necessary expenditure.

- (a) such expenditure, so far as it is to be incurred in the year in which such power is exercised or duty performed, shall be provided for under a current budget-grant, and
- (b) if the exercise of such power or the performance of such duty involves or is likely to involve expenditure for any period or at any time after the close of the said year, liability for such expenditure shall not be incurred without the sanction of the Corporation :

Provided that clause (b) shall not apply where the proposed expenditure is covered by a current budget-grant and is of non-recurring nature.

CHAPTER IX.

Loans.

131. (1) The Corporation may, in pursuance of a resolution passed at a meeting, from time to time raise a loan, by the issue of debentures or otherwise on the security of the consolidated rate, or of all or any of the taxes, fees and dues authorised by this Act (or of both the said rate and all or any of the said taxes, fees and dues), of any sums of money which may be required—

Power to Corporation to borrow money.

- (a) for the construction of works under this Act, or
- (b) for the acquisition of ¹[land or buildings] for the purposes of this Act, or
- (c) to pay off any debt due to Government, or
- (d) to repay a loan raised under this Act, or
- (e) for the acquisition of a public utility concern which renders services which the Corporation is authorised to render under the provisions of ²[this Act, or]
- ³(f) for the purchase of vehicles, locomotive engines, boilers and machinery necessary for carrying out the purposes of this Act :

¹These words were substituted for the word "land" by sec. 41(a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "this Act" by sec. 41(b), *ibid.*

³This clause was added by sec. 41(c), *ibid.*

(Part III.--Chapter IX.--Loans.--Sections 132, 133.)

- (i) no loan shall be raised without the previous sanction of the State Government ;
- (ii) the rate of interest to be paid for any loan, and the terms (as to the time and method of repayment, and the like) upon which any loan is to be raised, shall be subject to the approval of the State Government; and
- (iii) the period within which a loan is to be repaid shall in no case exceed sixty years.

(i) no portion thereof shall, without the previous sanction of the State Government, be applied to any purpose other than ¹[that] for which it was borrowed, and

(ii) no portion of any sum of money borrowed under clause (a) of sub-section (1) shall be applied to the payment of salaries or allowances to any municipal officers or servants other than those who are exclusively employed upon the works for the construction of which the money was borrowed.

**Determina-
tion of
sums to be
borrowed.**

132. The Corporation shall, at a meeting to be held on or before the 22nd day of March in each year, after considering the recommendations of the Standing Finance Committee in this behalf, determine, subject to the provisions of this Act, what sums of money (if any) shall be borrowed under section 131 in the next er

Power to Corporation to open credit account with a bank.

133. Page 320—

*In section 133, for the words "Municipal Corporation of the City of Calcutta", substitute the words "Municipal Corporation of Howrah".

(Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

securing the repayment of the amount of such advances, sums advanced from time to time on such cash account with interest.

¹ This word was inserted by sec. 25 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

XXXIII of 1951.]

(Part III.—Chapter IX.—Loans.—Sections 134—137.)

134. Notwithstanding anything hereinbefore contained, the borrowing powers of the Corporation shall be limited so that the sums payable under this Act during any year for interest and for the maintenance of Sinking Funds (including the payments prescribed by section 142), shall not exceed ten *per cent.* on the annual rateable value of land and buildings as determined under Chapter XI.

Limit to borrowing powers.

135. (1) All debentures issued under this Act shall be in such form and signed by such persons as the Corporation may, with the previous sanction of the State Government, determine.

Form, exchange, and effect of debentures.

(2) The holder of any debenture in any form prescribed under sub-section (1) may obtain in exchange therefor, upon such terms as the Corporation may, from time to time determine, a debenture in any other form so prescribed.

(3) The holder of any debenture issued by the Corporation under the authority of any prior enactment may obtain in exchange therefor, upon such terms as the Corporation may, from time to time determine, a debenture in a form prescribed under sub-section (1).

(4) Every debenture issued by the Corporation shall be transferable in such manner as shall therein be expressed.

(5) The right to sue in respect of the moneys secured by any such debentures, or by any debentures issued by the Corporation under the authority of any prior enactment, shall be vested in the holders thereof for the time being, without any preference by reason of some such debentures being prior in date to others.

136. All coupons attached to debentures issued under this Act shall bear the signature of the Commissioner; and such signature may be engraved, lithographed or impressed by any mechanical process.

Signature of coupons attached to debentures.

IX of 1872. 137. When any debenture or security issued under this Act is payable to two or more persons jointly and either or any of them dies, then, notwithstanding anything in section 45 of the Indian Contract Act, 1872, the debenture or security shall be payable to the survivor or survivors of such persons:

Payment to survivors of joint payees.

Provided that nothing in this section shall affect any claim by the representative of a deceased person against such survivor or survivors.

138. Where two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Corporation by any other of such persons.

Receipt by joint holder for interest or dividend.

[West Ben. Act

(Part III.—Chapter IX.—Loans.—Sections 139—142.)

Repayment
of loans.

139. Every loan raised by the Corporation under section 131 shall be repaid within the time approved under that section, and by such of the following methods as may be so approved by the State Government, namely—

- (a) from a Sinking Fund established under section 140 in respect of the loan, or
- (b) partly from the Sinking Fund established under section 140 in respect of the loan, and (to the extent to which that Sinking Fund falls short of the sum required for the payment of the loan) partly from money borrowed for the purpose under section 131.

Establish-
ment and
mainten-
ance of
Sinking
Funds for
such loans.

140. (1) The Corporation shall establish a separate Sinking Fund in respect of each loan raised under section 131 and shall pay into it every six months a sum so calculated that if regularly paid it would with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the loan at the time approved.

(2) The rate of interest, on the basis of which the sum referred to in sub-section (1) shall be calculated, shall be such as may be prescribed by the State Government.

Power to
disconti-
nue pay-
ment into
Sinking
Fund.

141. If at any time the sum standing at the credit of the Sinking Fund established for the repayment of any loan is of such amount that, if allowed to accumulate at the interest prescribed under section 140, it will be sufficient to repay the loan at the time approved under section 131, then, with the permission of the State Government—
Pages 322-323—
discontinued *Omit sections 142 and 143.

(Omitted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

Provisions
regarding
loan raised
between
the 1st
April, 1881,
and the
commence-
ment of
the
Calcutta
Municipal
(Loans)
Act, 1914.

142. The Sinking Fund borrowed by the Corporation between the 1st day of April, 1881 and the commencement of the Calcutta Municipal (Loans) Act, 1914.¹

[No. 2, dated the 1st May, 1970.]

Ben. Act
IV of
1914.

¹The Calcutta Municipal (Loans) Act, 1914 (Ben. Act IV of 1914) was repealed by sec. 2 of the Calcutta Municipal Act, 1923 (Ben. Act III of 1923) and the latter Act has been repealed by this Act.

XXXIII of 1951.]

(Part III.—Chapter IX.—Loans.—Sections 143—146.)

Ben. Act
IV of 1914.

143. All securities and cash held in any Sinking Fund established by the Corporation under the Calcutta Municipal (Loans) Act, 1914, shall vest in the Corporation for the purpose of the repayment of the loan in respect of which such Sinking Fund was established and such Sinking Fund shall be deemed to have been established under section 140.

Method of disposal of securities transferred to Corporation under Ben. Act IV of 1914.

Page 323—

*In sub-section (1) of section 144, for the words "Calcutta Municipal Consolidated Loan", substitute the words "Howrah Municipal Consolidated Loan".

Power to Corporation to consolidate their loans.

(Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

(3) The period for the extinction of any such consolidated loan shall not, without the sanction of the State Government, extend beyond the furthest date within which any of the loans to be consolidated would otherwise be repayable.

(4) The Corporation shall provide for the repayment of every such consolidated loan by establishing a Sinking Fund therefor.

(5) The provisions of sections 140 and 141 shall apply to each Sinking Fund established under sub-section (4) :

Provided that, in calculating the sum to be paid into any such Sinking Fund in pursuance of section 140, any sums transferred to that fund in pursuance of section 148 shall be taken into account.

145. The time for the repayment of any money borrowed under this Act for the purpose of extinguishing any previous loan shall not, except with the express sanction of the State Government, extend beyond the unexpired portion of the period for which such previous loan was sanctioned.

Time for repayment of money borrowed to extinguish previous loan.

146. (1) All moneys paid into a Sinking Fund shall as soon as possible be invested by the Corporation in—

Investment of Sinking Fund.

- (a) Government securities, or
- (b) securities guaranteed by the Central or any State Government, or
- (c) Calcutta Municipal Debentures, or
- (d) debentures issued by the Trustees for the Improvement of Calcutta, or

[West Ben. Act

(Part III.—Chapter IX.—Loans.—Sections 147, 148.)

(e) debentures issued by the Commissioners for the Port of Calcutta,

and shall be held by the Corporation for the purpose of repaying from time to time the debentures issued by the Corporation.

(2) All dividends 324—

such investment into the appropriation prescribed by s

*In sub-section (1) of section 146,—

(a) at the end of clause (e), insert the word “or”;

(b) after clause (e), insert the following clauses, namely:—

(3) Moneys may, at the discretion of the Corporation, be applied as a common fund for the purpose of allocation to the several Sinking Funds.

“(f) Howrah Municipal Debentures, or

(g) debentures issued by the Trustees for the Improvement of Howrah.”

(4) Any investment (Inserted by West Ben. Act XVII of 1965, section 6 and Schedule B.) to time, subject to the provisions of the Act, shall be transposed.

[No. 2, dated the 1st May, 1970.]

Power to Corporation to reserve a portion of loan-debentures for investment of Sinking Funds.

147. (1) For the purpose of investing any portion of the Municipal Fund (including Sinking Funds) the Corporation may, with the previous sanction of the State Government, reserve and set apart for issue at par to and in the name of the Corporation of Calcutta Page 324—

account of all *In sub-section (1) of section 147, for the words “Corporation of Calcutta”, substitute the words “Corporation of condition of Howrah”.

(2) The issue of the aforesaid, shall be subject to the provisions of the Act, and Schedule B.) tures, but every debenture, as if issued to and in accordance with the provisions of the Act, [No. 2, dated the 1st May, 1970.]

(3) The purchase by, or the transfer, assignment or endorsement to, the Corporation, of any debenture issued by the Corporation shall not operate to extinguish or cancel any such debenture, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to, any other person.

Application of Sinking Funds.

148. Until any loan is wholly repaid, the Corporation shall not apply the Sinking Fund established in respect of that loan to any purpose other than the repayment of that loan :

Provided that when any loan, or part thereof, which is raised after the commencement of this Act, is consolidated under section 144, the Corporation shall transfer to the Sinking Fund established for such consolidated loan the sum standing at credit of the Sinking Fund of the original loan, or if part only of a loan is consolidated, then such part of the sum standing at credit of the Sinking Fund of the original loan as is proportionate to the amount of the original loan which is incorporated in the consolidated loan.

XXXIII of 1951.]

(Part III.—Chapter IX.—Loans.—Sections 149—150A.)

149. The Commissioner shall, at the end of each year prepare a statement showing—

Annual statement by Commissioner.

- (a) the amount which has been invested during the year under section 146,
- (b) the date of the last investment made previous to the submission of the statement,
- (c) the aggregate amount of the securities then in the hands of the Corporation, and
- (d) the aggregate amount which has, up to the date of the statement, been applied under section 148 in or towards repaying loans.

(2) Every such statement shall be laid before a meeting of the Corporation and published in the *Official Gazette*.

150. All payments due from the Corporation for interest on and repayments of loans shall be made in priority to all other payments due from the Corporation.

Priority of payments for interest and repayment of loans over other payments.

¹150A. The Corporation shall,—

- (1) when the amount due on a debenture has been paid on or after the date on which payment has become due, or
- (2) when a debenture has been renewed or new debentures have been issued upon subdivision, amalgamation or exchange, or
- (3) when a duplicate debenture has been issued in lieu of one alleged to have been lost, stolen or destroyed, either wholly or in part,

Discharge from liability of the Corporation under debentures in certain

be discharged from all liabilities in respect of the debenture which has been so paid or renewed or in place of which new or duplicate debentures have been so issued—

- (a) in the case of payment—after the lapse of six years from the date on which payment was due,
- (b) in the case of a renewed debenture or of new debentures issued upon subdivision, amalgamation or exchange—after the lapse of six years from the date of renewal or, as the case may be, issue thereof,

¹This section was inserted with retrospective effect by sec. 42 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

[West Ben. Act

(Part III.—Chapter IX.—Loans.—Section 151.)

- (c) in the case of a duplicate debenture—after the lapse of six years from the date of the order for issue of the duplicate debenture or from the date of the last payment of interest on the original debenture, whichever date is later.

Explanation.—In this section ‘debenture’ means a debenture issued under this Act or deemed, under sub-section (2) of section 2, to have been so issued.

Annual
Exami-
nation of
Sinking
Funds.

151. (1) All Sinking Funds established under this Act shall be subject to annual examination by the Accountant-General, West Bengal, who shall ascertain whether the cash and the value of securities belonging thereto are actually equal to the amount which should be at the credit of such funds had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom.

(2) The a Page 326—
Fund shall *In the second paragraph of sub-section (2) of section 151, of all future for the words “Calcutta Municipal Debentures” substitute under the p the words “Howrah Municipal Debentures”. investments originally esti (Substituted by West Ben. Act XVII of 1965, section and Schedule B.)

The value [No. 2, dated the 1st May, 1970.]
their current v
above before maturity of the Fund in which case their current value shall be taken as their redemption value, except in the case of Calcutta Municipal Debentures which shall always be valued at par, provided that the Corporation shall make good immediately any loss which may accrue on the actual sale of such debentures at the time of repayment of the loan.

(3) The Corporation shall forthwith pay into any Sinking Fund any amount which the Accountant-General may certify to be deficit, unless the State Government specially sanction a gradual readjustment.

(4) If the cash and the value of the securities at credit of any Sinking Fund are in excess of the amount which should be at its credit, the Accountant-General shall certify the amount of such excess sum, and the Corporation may thereupon transfer the excess sum to the Municipal Fund.

(5) If any dispute arises as to the accuracy of any certificate made by the Accountant-General under sub-section (3) or sub-section (4), the Corporation may, after making the payment or transfer therein mentioned, refer the matter to the State Government whose decision shall be final.

XXXIII of 1951.]

(Part III.—Chapter IX.—Loans.—Sections 152, 153.—Chapter
Y.—Accounts.—Sections 154, 155.)

Page 327—

*In sub-section (1) of section 152, for the words "by the Corporation from the State Government whether before or after the commencement", substitute the words "from the State Government by the Commissioners of the municipality of Howrah or Bally, as the case may be, before the commencement, or by the Corporation after the commencement,".

(Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

no such attachment shall defeat or prejudice any debt for which the fund attached was previously charged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the debt due to the State Government.

Provided that no such attachment shall defeat or prejudice any debt for which the fund attached was previously charged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the debt due to the State Government.

153. If the Corporation fails to make any payment as required by section 151, the State Government may attach the Municipal Fund or any portion thereof; and the provisions of section 152, shall, with all necessary modifications, be deemed to apply.

CHAPTER X.

ACCOUNTS.

154. Subject to any rules made by the State Government in this behalf, accounts of receipts and expenditure of the Corporation shall be kept in such manner and in such forms as it may from time to time prescribe.

155. (1) The municipal accounts shall be examined and audited from time to time by auditors appointed in that behalf by the State Government, which may prescribe by ¹rules the percentage of the transactions in the municipal accounts which shall be so audited.

¹For the Calcutta Municipal Accounts (Percentage of Transactions Audit) Rules, 1952, see notification No. M.3R-4/52, dated 25.4.52, published in the Calcutta Gazette of 1953, Part I, pages 1405-1407, as subsequently amended from time to time.

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Attach-
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Municipal
Fund for
recovery
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borrowed
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ment of
Municipal
Fund for
securing
payment
into
Sinking
Fund.

Accounts
to be kept.

Appoint-
ment and
powers of
municipal
auditors.

[West Ben. Act

(Part III.—Chapter X.—Accounts.—Section 156.)

(2) The Commissioner shall submit accounts to the auditors as required by them :

Provided that the Commissioner shall not be bound to submit accounts of expenditure in connection with any anti-corruption work but shall, if so required by the auditors, furnish certificate under his signature of all such expenditure.

(3) The auditors so appointed may,—

(a) by written summons, require the production before them or before any officer subordinate to them of any document which they may consider necessary for the proper conduct of their audit ;

(b) by written summons, require any person accountable for, or having the custody or control of, any such document to appear in person before them or before any officer subordinate to them ; and

(c) require any person so appearing before them or before any officer subordinate to them to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

(4) The provisions of sub-section (3) shall not apply to the accounts of expenditure incurred in connection with anti-corruption work.

Report and
informa-
tion to be
furnished
by the
auditors.

156. The auditors appointed under section 155 shall—

(a) report to the Corporation any material impropriety or irregularity which they may observe in the expenditure, or in the recovery of moneys due to the Corporation, or in the municipal accounts ;

(b) report to the Corporation any loss or waste of money or other property owned by or vested in the Corporation which has been caused by neglect or misconduct ¹[and may, if they think fit, report the names] of the persons who in their opinion are directly or indirectly responsible for such loss or waste ;

(c) furnish to the Corporation such information as the Corporation may from time to time require concerning the progress of their audit ;

(d) as soon as may be after the completion of their audit, deliver to the Corporation a report upon the municipal accounts ; and

¹These words were substituted for the words "with the names" by sec. 48 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

(Part III.—Chapter X.—Accounts.—Sections 157—159.)

(e) submit to the State Government duplicate copies of all reports referred to in clauses (a), (b) and (d).

157. (1) The Corporation shall forthwith remedy any defects or irregularities that may be pointed out by the auditors and shall report to the State Government the action taken by the Corporation :

Corporation to remedy defects and report to the State Government.

Provided that if there is a difference of opinion between the Corporation and the auditors, or if the Corporation does not remedy any defect or irregularity within a period considered by the auditors to be reasonable, the matter shall be referred to the State Government within such time and in such manner as the State Government may prescribe by rule, and it shall be competent to the State Government to pass such orders thereon as it thinks fit. The orders of the State Government shall, save as provided in sections 159 and 160, be final and the Corporation shall take action in accordance therewith.

(2) If, within any period fixed by an order made by the State Government under sub-section (1), the Corporation fails to comply with such order, the provisions of section 46, shall, with all necessary modifications, be deemed to apply as if such order had been issued under section 45.

158. The Corporation shall publish the auditors' report referred to in clause (d) of section 156 with its replies to each item thereof within such time after the receipt of the said report as the State Government may prescribe by rule and shall make the same available for sale to the public.

Publication of auditors' report with replies.

159. (1) The auditors, after giving the person concerned an opportunity to submit an explanation, and after considering any such explanation, shall disallow every item of account contrary to law, and surcharge the same on the person making or authorising the making of the illegal payment, and shall charge against any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person, or of any sum which ought to have been but is not brought into account by that person, and shall in every such case certify the amount due from such person.

Powers to auditors to disallow, surcharge and charge.

(2) Any Councillor, Alderman, or member of a Committee present at a meeting at which a motion or a resolution is passed authorising expenditure which is subsequently disallowed under this section or authorising any action which leads to expenditure afterwards so disallowed, shall be deemed to be a person authorising the illegal payment if he votes for such motion or resolution, and all persons so voting shall be held jointly and severally responsible for the expenditure.

[West Ben. Act

(Part III.—Chapter X.—Accounts.—Sections 160, 161.)

(3) The auditors shall state in writing their reasons for every disallowance, surcharge or charge made by them and shall serve in the manner prescribed by rules by the State Government a certificate of the amount due and a copy of the reasons for their decision on the person against whom the certificate is made, and shall also furnish copies thereof to the Corporation and to the State Government.

(4) The State Government may, of its own motion, within one year after receiving the copy of the certificate, set aside or modify any disallowance, surcharge or charge, and any certificate in respect thereof, made by the auditors.

Rights of
appeal to
the Civil
Court or
to the
State
Govern-
ment.

160. (1) Any person from whom any sum has been certified by the auditors under section 159 to be due, may within one month after he has received or been served with the certificate, either—

(a) apply to the Civil Court to set aside or modify such disallowance, surcharge or charge and the Court after taking such evidence as is necessary may confirm, set aside or modify the disallowance, surcharge or charge and the certificate with such order as to costs as it may think proper in the circumstances ; or

(b) in lieu of such application '[, appeal] to the State Government and the State Government shall pass such orders as it thinks fit. The decision of the State Government on such appeal shall be final.

(2) **Page 330—**

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appeals
Governn
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*For the *Explanation* to section 160, substitute the following *Explanation*, namely:—

“Explanation.—In this section, the expression ‘the Civil Court’ means ‘the Court of the Subordinate Judge of Howrah’.”.

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by law to
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(Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

Payment
of certified
sums to be
made
within
three
months
or such
longer period
as the State
Government
may allow.

161. The sum certified under section 159 by auditors to be due from any person or where an application is made under section 160, sub-section (1), clause (a) or an appeal is made under section 160, sub-section (1), clause (b), such sum as the Court or the State Government may declare to be due from such person, shall be paid by such person within “[three months or such longer period as the State Government may allow,] after

‘This comma and the word were substituted for the words ‘may appeal’ by sec. 26 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

‘These words were substituted for the words “three months” by sec. 27, *ibid.*

XXXIII of 1951.]

(Part III.—Chapter X.—Accounts.—Sections 162—164.)

certification by the auditors or the declaration by the Civil Court or the State Government, as the case may be, and in default of payment within such period, the sum aforesaid shall be recoverable by the Commissioner, or if the Commissioner fails to apply within such time as the State Government may prescribe by rules, by the auditors, on application made to the Court of Small Causes in the same manner as an amount decreed by that Court.

162. (1)(a) All costs allowed by the Court against the auditors under the provisions of section 160 and all expenses incurred by the auditors in connection with an application under section 161 shall be paid out of the Municipal Fund.

Costs and expenses payable out of Municipal Fund.

(b) All expenses incurred in prosecution of an offender contravening the provisions of section 155 shall be paid out of the Municipal Fund.

(2) If the Corporation fails to pay any costs or expenses as required by sub-section (1) within a period to be fixed by the State Government in this behalf, the State Government may attach the Municipal Fund or any portion thereof; and the provisions of section 152, sub-section (2), shall, with all necessary modifications, be deemed to apply.

163. If any sum certified by the auditors under this Act to be due from a Councillor, Alderman or member of a Committee or from any officer or servant of the Corporation or, where the certificate has been modified under section 159, sub-section (4), or under section 161, any sum shown to be due from such person in the modified certificate is not paid by such person within the period of three months or such longer period as the State Government may allow under section 161, he shall be deemed to have vacated his seat or to have been dismissed from the service of the Corporation, as the case may be, with effect from the date of an order to be made by the State Government in this behalf and shall not be eligible for re-election or re-appointment until the sum certified, or the sum shown to be due in the modified certificate, has been paid by him or the certificate in respect of such sum has been set aside under section 159, sub-section (4).

Effect of non-payment of certified sums.

164. (1) The State Government may make ¹rules for the purpose of carrying into effect the provisions of this Chapter.

Power to State Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the manner and forms in which the accounts of the Corporation shall be kept ;

¹For the Calcutta Municipal Prosecution (Disobedience of Auditors' Requisitions) Rules, 1952, see notification No. M.3R-5/52, dated 6.7.52, published in the *Calcutta Gazette*, of 1952, Part I, page 2295.

[West Ben. Act

*(Part IV.—Chapter XI.—Imposition of consolidated rate.—
Section 165.)*

- (b) the powers and duties of the auditors, the percentage of transactions to be audited by them, the procedure to be followed by them and the times and places at which an audit may be conducted ;
- (c) the agency by which and the manner in which prosecutions shall be instituted for contravention of the provisions of section 155, sub-section (3) ;
- (d) the period within which, and the manner in which, matters shall be referred to the State Government under section 157 ;
- (e) the period within which and the manner in which the auditors' report with the replies of the Corporation shall be published ;
- (f) the manner in which and the price at which the auditors' report with the replies of the Corporation shall be offered for sale ;
- (g) the service under section 159, sub-section (3), of certificates and copies of the reasons for the decisions of the auditors ;
- (h) recording in the minutes and proceedings of the meetings of the Corporation or of any Committee thereof the names of persons who vote for and against any motion or resolution that is adopted or passed and of persons who do not vote ;
- (i) the period within which application shall be made by the Commissioner under section 161.

PART IV

TAXATION.

CHAPTER XI.

Imposition of consolidated rate.

Power of Corporation to impose consolidated rate,

165. ¹[(1)] A graduated consolidated rate on the annual valuation determined under this Chapter may be imposed by the Corporation upon all lands and buildings in Calcutta for the purpose of this Act. Such graduated consolidated rate shall not exceed—

¹Section 165 was re-numbered as sub-section (1) of that section and after that sub-section, as so re-numbered, sub-section (2) was added by sec 44 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act X of 1964).

XXXIII of 1951.]

(Part IV.—Chapter XI.—Imposition of consolidated rate.—
Section 166.)

- (i) fifteen *per cent.* on the annual valuation—where the annual valuation does not exceed one thousand rupees ;
- (ii) eighteen *per cent.* on the annual valuation—where the annual valuation exceeds one thousand rupees, but does not exceed three thousand rupees ;
- (iii) twenty-two *per cent.* on the annual valuation—where the annual valuation exceeds three thousand rupees, but does not exceed twelve thousand rupees ; and
- (iv) twenty-three *per cent.* on the annual valuation—where the annual valuation exceeds twelve thousand rupees ;

Provided that where the annual valuation exceeds three thousand rupees, the rate shall not exceed thirty-three *per cent.*

and (2) of section 165, add the following sub-

Page 333—

*In section 165,—

(1) in sub-section (1), after the existing proviso, add the following further proviso, namely:—

“Provided further that where any area included in Howrah was included within a Union Board or a Panchayat immediately before the commencement of the Howrah Municipal Act, 1965, the graduated consolidated rate upon lands and buildings in such area shall not during a period of ten years from the date of constitution of the Corporation exceed one-half of the maximum percentages mentioned in clauses (i) to (iv).”;

(2) in sub-section (2), in clause (a), for the words “Board of Trustees for the Improvement of Calcutta”, substitute the words “Board of Trustees for the Improvement of Howrah”.

(Added and substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

the assessment book shall be amended by recording the amount found to be payable after such revision.

166. The percentages referred to in section 165 shall be fixed annually, in the manner provided in Chapter VIII, with reference to the requirements of the Municipal Fund.

Amount^o of consolidated rate, how to be fixed.

¹ See foot-note 1 on page 332, ante.

[West Ben. Act

(Part IV.—Chapter XI.—Imposition of consolidated rate.—
Section 167.)*Exemptions.*

Exemptions from consolidated rate.

167. (1) Land or building used exclusively for the purposes of public worship, and public burial or burning ground or other places for the disposal of the dead duly registered under Chapter XXXI, shall be exempt from the consolidated rate ;

and the Corporation may either wholly or partially exempt from the consolidated rate any land or building used exclusively for purposes of public charity :

Provided that the following land or building shall not be deemed to be used exclusively for public worship within the meaning of this section, namely :—

- (a) land or building in or on which any trade or business is carried on ; and
- (b) land or building in respect of which rent is derived.

Explanation.—In this sub-section the expression “land or building used exclusively for purposes of public charity” means land or building used by an institution, solely for the purpose of, relief of the poor, education, medical relief or the advancement of any other object of public utility and declared as such by the State Government by notification in the *Official Gazette*.

(2) Open spaces and parade grounds, which are the property of the Government and over which, when not required for military purposes, the public are allowed to have free access, shall be exempted from the consolidated rate, if they were so exempted immediately before the commencement of Part III of the Government of India Act, 1935, or if the State Government so directs.

26 Geo.
V., c. 2.

(3) The Commissioner with the approval of the Standing Finance Committee may exempt the owner of any hut the annual valuation of which as determined under this Chapter does not exceed fifty rupees, from payment of the whole or any portion of the consolidated rate payable in respect of such hut, and in any such case he may, with like approval, exempt the owner of the land on which the hut is built, or not, as he thinks fit.

(4) The Commissioner with the approval of the Standing Finance Committee may exempt from the consolidated rate all lands or buildings the annual valuation of which as determined under this Chapter, does not exceed fifty rupees or such smaller sum as may be prescribed by the Corporation :

Provided that no person shall be entitled to claim the benefit of such exemption if he owns or occupies more than one piece of land or more than one building and the aggregate annual valuation of all the lands or buildings owned or occupied by him exceeds fifty rupees or the said smaller sum.

XXXIII of 1951.]

(Part IV.—Chapter XI.—Imposition of consolidated rate.—
Section 168.)

Assessment of lands and buildings to the consolidated rate.

168. (1) For the purpose of assessment to the consolidated rate the annual value of any land or building shall be deemed to be the gross annual rent at which the land or building might at the time of assessment be reasonably expected to let from year to year, less, in the case of a building, an allowance of ten *per cent.* for the cost of repairs and for all other expenses necessary to maintain the building in a state to command such gross rent :

Amount
of consoli-
dated rate,
how to
be fixed.

¹Provided that in respect of any land or building the rent of which has been fixed under the provisions of the West Bengal Premises Rent Control (Temporary Provisions) Act, 1950 or the West Bengal Premises Tenancy Act, 1956, the annual value thereof shall not exceed the annual amount of the rent so fixed.

West Ben.
Act XVII
of 1950.
West Ben.
Act XII
of 1956.

(2) If the gross annual rent of any land not ordinarily let cannot be easily estimated, the gross annual rent of the land for the purpose of sub-section (1) shall be deemed to be five *per cent.* of the estimated present value of the land.

(3) If the gross annual rent of a building not ordinarily let cannot be easily estimated, the gross annual rent of the building for the purpose of sub-section (1) shall be deemed to be five *per cent.* of the value of the building obtained by adding the estimated cost of erecting the building at the time of assessment less a reasonable amount to be deducted on account of depreciation, if any, to the estimated present market value of the land valued with the building as part of the same premises.

(4) The provisions of sub-sections (1), (2) and (3) shall be subject to the following provisos, namely :—

(i) ²[in the case of a building or part thereof used] as a public cinema house or theatre or other similar place of public resort, recreation or amusement, the gross annual ³[rent of such building or such part, as the

¹This proviso was substituted for the existing proviso by sec. 45(1) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "in the case of a building used" by sec. 45(2)(a), *ibid.*

³These words were substituted for the words "rent of the building" by sec. 45(2)(b), *ibid.*

[West Ben. Act

*(Part IV.—Chapter XI.—Imposition of consolidated rate.—
Section 168.)*

case may be,] shall be deemed to be ¹* * ²[seven and a half *per cent.*] of the gross annual receipts in respect of the cinema house or theatre, or place of public resort, recreation or amusement including receipts from rent and advertisements and sale of admission tickets but excluding taxes on the sale of such tickets ;

- (ii) in calculating the value of any land or building, the value of any plant or machinery excepting those enumerated in Schedule X on such land or in such building shall be excluded, but all fixtures including lifts and electric and other fittings which add to the convenience of the building shall be valued, subject in the case of a lift to such deduction from the valuation, as may be prescribed by rules made by the Corporation, on account of the cost of repairs to, maintenance of, and attendance on, such lift :

³Provided as follows :—

- (a) If any dispute arises as to whether any parts of or a combination of, a plant or machinery should be included in calculating the value of any land or building as coming within the enumeration in Schedule X, the Commissioner may, of his own motion or at the request of the owner or the occupier of such land or building, refer the dispute to a referee named in a panel of referees appointed by the State Government.
- (b) The referee shall thereupon decide the dispute after giving the Corporation, the owner and the occupier an opportunity of being heard, and after considering the facts and circumstances of the case, and, if necessary, after inspection of the plant or machinery.
- (c) The decision of the referee shall be final and conclusive.
- (d) The costs of such reference shall be borne by the Corporation, the owner and the occupier of the land or building in such proportion as the referee may direct ;

¹The words "not exceeding" were omitted by sec. 28(1) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

²These words were substituted for the words "five *per cent.*" by sec. 45 (2)(c) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

³This proviso was added by sec. 28(2) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

XXXIII of 1951.]

(Part IV.—Chapter XI.—Imposition of consolidated rate.—
Section 169.)

- (iii) the annual value of a *bustee* shall be deemed to be the gross annual rent at which the land contained within it, excluding the lands which have been left vacant for the purpose of giving access to any hut in the *bustee* or for the purposes of any *bustee* street prescribed in or under a standard plan approved by the Corporation under Chapter XXIII, might reasonably be expected to let from year to year, *plus* the gross annual ^{which the huts erected thereon might} ~~reasonably be expected to let from year to year, plus the gross annual~~ ^{age 337—}
deduct ^{*In section 169,—}
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state to
- (a) in the first paragraph,—

169. ¹In ass
lands or buildings
Improvement of
by the Board for
section 35D of t
valuation of such
per cent. of the
revision made i
on application ma

Ben. Act
V of 1911.

(i) for the words "Board of Trustees for the Improvement of Calcutta", *substitute* the words "Board of Trustees for the Improvement of Howrah";

(ii) for the words, figures and letter "section 35D of the Calcutta Improvement Act, 1911.", *sub-*
stitute the words and *res* "sub-section (2) of section 33 of the Howrah Improvement Act, 1956";

(b) in the *Explanation*,—

(i) in clause (a), for the words "Calcutta Improvement Act, 1911.", occurring at two places, *substitute* the words "Howrah Improvement Act, 1956,"; and

(ii) in clause (c), for the words and figures "section 54 or section 55 of the Calcutta Improvement Act, 1911.", *substitute* the words and figures "section 54 of the Howrah Improvement Act, 1956,".

(Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

(b) in the case of any land or building acquired by private treaty the purchase price of such land or buildings ;

(c) in the case of any land or building taken for an improvement scheme under section 54 or section 55 of the Calcutta Improvement Act, 1911, such amount as may be determined under either of those sections ;

(d)

¹This paragraph was substituted for the first paragraph by sec. 46(a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

*Paragraph (d) of the *Explanation* was omitted by sec. 46(b), *ibi* l.

[West Ben. Act

(Part IV.—Chapter XI.—Imposition of consolidated rate.—
Sections 170—172.)

No remission for vacancy in the case of land or building belonging to the Board.

170. Notwithstanding anything contained in sections 194 to 199, when any land or building belonging to the Board is valued under section 169, no remission or refund of the consolidated rate assessed in respect of such land or building shall be allowed on the ground that it is unoccupied, but both the owner's and the occupier's share of the consolidated rate shall be payable in full as long as such land or building belongs to the Board and is assessed under section 169.

171. [Revaluation of land or building vested in the Board after execution of an improvement scheme.]—Omitted by sec. 47 of the Calcutta Municipal (Amendment) Act, 1964 (West Bengal Act XLII of 1964) **Pages 338-342—**

*In section 172,—

¹Determination of annual value and duration of valuation.

172. (1) In several wards, are specified in commencement to be the valuation rate on such land on which valuation is made under

(1) for sub-section (1), substitute the following sub-section, namely:—

“(1) The valuation of any land or building situated in the several wards, which has been made before the date of the constitution of the Corporation and which is in force on such date, shall remain in force and be deemed to be the valuation for the purpose of assessment of consolidated rate on such land or building under this Act until a fresh valuation is made under this Act.”;

(2) A general Commissioner or

agency as the State Government may, by notification in the *Official Gazette*, appoint. Such valuation shall have effect from the beginning of the quarter following that in which a notice under section 178 is issued and shall remain in force in respect of each ward for a period of six years ²[irrespective of any alteration in the number or boundaries of such ward during the currency of such period], and may be revised thereafter at the termination of successive periods of six years.

³(2A) Notwithstanding anything to the contrary elsewhere in this Act, after the date of commencement of the Calcutta Municipal (Amendment) Act, 1964 (hereafter in this sub-section referred to as the said date),—

West Ben. Act XVI of 1964.

(a) a general valuation in accordance with the provisions of sub-section (2) shall, in all cases, whether any general valuation under this Act has previously been made or not, be made within such period or periods, not

¹This marginal note against sec. 172 was substituted for the original marginal note by sec. 80(3) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

²Inserted by sec. 5(a) of the Calcutta Municipal (Amendment) Act, 1964 (West Ben. Act XVI of 1964).

³Sub-section (2A) was inserted by sec. 5(b), 443.

XXXIII of 1951.]

*(Part IV.—Chapter XI.—Imposition of consolidated rate.—
Section 172.)*

exceeding six years from the said date, as the State Government may, by notification in the *Official Gazette*, specify in this behalf and different periods may be so specified in respect of different wards ;

(b) the provisions of sub-section (2) shall apply in respect of the general valuation made in pursuance of clause (a) ;

(c) the valuation of any land or building remaining in force on the said date shall continue to remain in force until the general valuation referred to in clause (a) takes effect.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2) the following conditions shall apply in the several cases hereinafter specified, namely :—

(a) a *bustee* with huts upon it may be valued annually by the Commissioner if the Standing Finance Committee approves of such a course and shall be so valued on the application of the owner ; and when such *bustee* is not revalued, the former valuation shall remain in force from year to year until a revaluation is made ;

¹(b) any land or building—

(i) which for any reason has no annual value assigned to it under this Act, may be valued by the Commissioner at any time during the currency of the period prescribed in respect of such land or building by sub-section (1) or sub-section (2), and

(ii) the valuation of which has been cancelled on the ground of irregularity, may be valued by the Commissioner at any time after such cancellation and such valuation shall remain in force until a general valuation is revised under sub-section (2) ;

(c) if during the currency of any period prescribed in sub-section (1) or sub-section (2), any new building is erected or an existing building reconstructed or substantially altered or improved, the Commissioner may cause ²[the entire premises] to be valued or revalued ³* * * ;

¹This clause was substituted for the existing clause by section 48(1)(a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "such building" by sec. 80 (1) (b) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

³The words "in accordance with such rules as may be made by the Standing Finance Committee" were omitted by sec. 80 (1) (a) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

[West Ben. Act

(Part IV.—Chapter XI.—Imposition of consolidated rate.—
Section 172.)

(d) if during the currency of any period prescribed in sub-section (1) or sub-section (2) the value of any building is reduced by reason of any substantial demolition or suffers depreciation from any physical cause proved to the satisfaction of the Commissioner to have been beyond the control of the owner or occupier, the Commissioner shall, as soon as practicable, on an application being made to him in writing by the owner or occupier of such building, cause it to be revalued * * * ;

(e) if after any building is revalued under clause (d) any substantial alteration and improvement is made in the building during the currency of the period prescribed by sub-section (4), the Commissioner may cause a new valuation of such building to be made * * * ;

(f) if, during the currency of any period mentioned in sub-section (1) or sub-section (2), any portion of any land or building be acquired by purchase or otherwise (3) in sub-section (3),—the Board of Trustees for the Improvement of Calcutta for the execution of any scheme referred to in clause (f), of the Calcutta Improvement Act,

Ben. Act
V of 1911.

(i) for the words "Board of Trustees for the Improvement of Calcutta", substitute the words "Board of Trustees for the Improvement of Howrah";

the words "Board of Trustees for the Improvement of Calcutta" shall be apporportioned to such valuation so apporportioned shall, with effect from the quarter following the valuation of the

(ii) for the words, figures and letter "section 35D of the Calcutta Improvement Act, 1911", substitute the words and figures "sub-section (2) of section 33 of the Howrah Improvement Act, 1956";

(b) in clause (g),—

(i) for the words "Board of Trustees for the Improvement of Calcutta", substitute the words "Board of Trustees for the Improvement of Howrah";

(ii) for the words, figures and letter "section 35D of the Calcutta Improvement Act, 1911", substitute the words and figures "sub-section (2) of section 33 of the Howrah Improvement Act, 1956";

(iii) in sub-clause (i), for the words and figures "Calcutta Improvement Act, 1911", substitute the words and figures "Howrah Improvement Act, 1956";

(c) in the Explanation, for the words and figures "Calcutta Improvement Act, 1911", substitute the words and figures "Howrah Improvement Act, 1956"; and

buildings acquired by purchase or otherwise of Trustees for the Improvement of Calcutta, the execution of the scheme referred to in section 35D of the Calcutta Improvement Act, 1911, shall be made at the rate specified in section 35D of the Calcutta Improvement Act, 1911, levied from the basis of such annual valuation, and the value of buildings acquired by purchase or otherwise at the end of the year ending with the year in which the building was acquired shall be the value at which the building shall be

existing clauses
and Amendment)

XXXIII of 1951.]

(Part IV.—Chapter XI.—Imposition of consolidated rate.—
Section 172.)

Ben Act
V of 1911.

- (i) all areas included in streets and open spaces which have vested in the Corporation under section 65 of the Calcutta Improvement Act, 1911,
- (ii) all lands and buildings which have been sold or otherwise transferred by the Board up to the end of the previous quarter, and
- (iii) all lands appertaining to new structures erected by the Board during the previous quarter and subsequent to the acquisition of such land ;

Explanation.—For the purpose of deduction referred to above, the annual value of streets and open spaces which have vested in the Corporation under section 65 of the Calcutta Improvement Act, 1911, lands and buildings which have been sold or otherwise transferred by the Board and lands appertaining to new structures erected by the Board shall be an amount which bears the same proportion to the aggregate value as the total area of the streets and open spaces which have vested in the Corporation, lands and buildings which have been sold or otherwise transferred and lands appertaining to new structures bears to the total area of the lands and buildings acquired for the execution of the scheme ;

- ¹(h) where any land or building has been sold or otherwise transferred by the Board or where any new structure has been erected by the Board, the Commissioner shall cause such land or building or such new structure to be revalued under section 168 and such revaluation shall remain in force and consolidated rate shall be levied according to such revaluation, with effect from the quarter following the date of the sale or transfer or the date of erection, as the case may be, until the expiration of the period prescribed in sub-section (1) or sub-section (2), as the case may be.

(4) after sub-section (4), add the following sub-section, namely:—

“(5) Any agency appointed by the State Government under sub-section (2) shall be paid monthly out of the Municipal Fund at such rate as may be fixed by the State Government.”.

or building
(c), (d), or
e unexpired
(1) or sub-
made under
vious valua-
us valuation

(Substituted, omitted and added by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

²These words, letters and brackets were substituted for the words, letters and brackets “clauses (h), (c), (d) or (e) by sec. 48(2) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

[West Ben. Act

(Part IV.—Chapter IX.—Imposition of consolidated rate.—
Sections 173, 174.)

which has been cancelled would have taken effect. The revaluation of any building under clause (d) of sub-section (3) shall take effect from the commencement of the quarter following the date on which the application of the owner or occupier for such revaluation is received by the Commissioner.

¹[The valuation made under clause (b) of sub-section (3) in respect of any land or building which for any reason had no value assigned to it and the revaluation of any premises or building under clause (c) or clause (e) of the said sub-section shall take effect from the commencement of the quarter following the date on which a notice under section 180 is given by the Commissioner.]

Separate valuation of land in case of a *bustee*.

173. For the purpose of levying the consolidated rate in the case of a *bustee*, the Commissioner shall cause the land contained within the *bustee* and the huts standing on it to be valued separately in accordance with such rules as may be made by the Standing Finance Committee.

²[Valuation] in case of land or building subdivided into separate shares.

174. If during the currency of any period prescribed by sub-section (1) or sub-section (2) of section 172, the ownership of any land or building, or portion thereof, is subdivided into separate shares, the Commissioner may, in accordance with such rules as may be made by the Standing Finance Committee, on the application of any of the co-owners, divide the ²[valuation] of such land, building or portion in the following manner, namely :—

(i) if the ownership be subdivided into two or more shares without separate allotments, or if as the result of such subdivision there is a separate allotment of such land, building or portion into two or more separate portions which are not entirely independent and capable of separate enjoyment, the Commissioner may, if he thinks fit, apportion the ²[valuation] among the share-holders according to the value of their respective shares without assigning any separate number ;

(ii) if, as the result of such subdivision, there are separate allotments of such land, building or portion and if such allotments are made entirely independent and capable of separate enjoyment but not in conformity with the provisions of this Act, or of any rules or by-laws made thereunder, relating to buildings, the Commissioner may, if he thinks fit, ²[value] such

¹These words were added by sec. 30(2) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

²The words "value" and "valuation" were respectively substituted for the words "assess" and "assessment" by sec. 31(1) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

³This word in the marginal note was substituted for the word "Assessment" by sec. 31(2) *ibid*.

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*(Part IV.—Chapter XI.—Imposition of consolidated rate.—
Section 175.)*

portions separately after assigning to them separate numbers under this Chapter :

Provided that by such separate ¹[valuation] the total ¹[valuation] for the entire premises shall not be increased ;

(iii) if such separated portions of such land, building or portion are, or are made, entirely independent and capable of separate enjoyment in conformity with the provisions of this Act, or of any rules or by-laws made thereunder, relating to buildings, the Commissioner shall ¹[value] each portion separately by assigning a separate number thereto :

Provided that by such separate ¹[valuation] the total ¹[valuation] for the entire premises shall not be increased :

Provided also that such apportionment or separation of the numbers and ¹[valuation], as the case may be, shall remain in force and the consolidated rate shall be levied accordingly until the expiration of the said period.

175. If any land or building, bearing two or more municipal numbers, or portions thereof, be amalgamated into one or more new premises, the Commissioner shall ²[value] them, on amalgamation, after assigning to them one or more numbers, as the case may be, for the purposes of this Chapter :

²[Valuation]
in case of
amalgama-
tion of
premises.

Provided that no ²[valuation] on amalgamation of premises shall be made by the Commissioner unless there is a cause for the revaluation of any of such premises except on an application being made to him by the owner or owners thereof, in which case such ²[valuation], if made, shall remain in force for the unexpired portion of the period prescribed by section 172, sub-section (1) or sub-section (2) or sub-section (4) :

Provided also that the total ²[valuation] on amalgamation shall not be greater than the sum of the previous ²[valuations] of the several premises amalgamated except when there is any revaluation of any of the said premises.

¹See foot-note 2 on page 342, *ante*.

²The words "value", "valuation" and "valuations" were respectively substituted for the words "assess", "assessment" and "assessments" by sec. 32(1) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

³This word in the marginal note was substituted for the word "Assessment" by sec. 32(2), *ibid*.

[West Ben. Act

(Part IV.—Chapter XI.—Imposition of consolidated rate.—
Sections 176—178.)

Power to
Commissioner
separately
to
²[value]
out-houses
and
portions of
buildings.

176. The Commissioner may in his discretion ¹[value] any out-house appurtenant to a building, or any portion of a building or land appertaining to any premises separately from the rest of such premises.

Returns
and
inspection
for
purposes
of
valuation.

177. (1) The Commissioner may, by written notice, require the owner or occupier of any land or building to furnish within a fortnight after the service of the notice, returns of the measurements and of the rent or annual value of the land or building.

³(1a) The Commissioner may, by written notice, require the owner or occupier of any building or part of a building used as a public cinema house or theatre or other similar place of public resort, recreation or amusement to furnish, within a fortnight after the service of the notice, returns of the gross annual receipts in respect of the cinema house or theatre or place of public resort, recreation or amusement, including receipts from rent and advertisements and sale of admission trickets but excluding taxes on the sale of such tickets.

(2) Every owner and occupier on whom any such requisition is made shall be bound to comply with the same and to make a true return to the best of his knowledge or belief.

(3) The Commissioner or any person authorised by him in this behalf may inspect, survey and measure such land or building.

Public
notice and
inspection
of valua-
tion.

178. (1) When the valuation under section 172 of the lands and buildings in any ward has been completed, the Commissioner shall cause the respective valuations to be entered in a list and give public notice of the place where such list may be inspected.

(2) Such notice shall be by advertisement in local newspapers and also by placards posted up in conspicuous places throughout such ward.

(3) The Commissioner shall also cause a placard to be posted up in each *bustee*, showing separately for each hut standing on the *bustee* the valuation assigned to it in the valuation list.

¹This word was substituted for the word "assess" by sec. 32(1), of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

²This word in the marginal note was substituted for the word "assess" by sec. 33(2), *ibid.*

³This sub-section (1a) was inserted by sec. 49 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

*(Part IV.—Chapter XI.—Imposition of consolidated rate.—
Sections 179—181.)*

(4) The persons having custody of the valuation list shall permit any person to inspect it and to make extracts from it.

(5) No fee shall be charged for any such inspection ; but there shall be payable, by all persons other than owners or occupiers of land in the ward and their agents, a fee of one rupee in respect of each entry extracted.

179. (1) The Commissioner may, for reasons to be recorded in writing, amend any valuation in the list at any time before the time specified in the notice given to the objector under section 182, sub-section (1).

Amend-
ment of
valuation.

(2) When any valuation is so amended a notice of such amendment shall be given to the owners and occupiers of the premises concerned and persons dissatisfied with such amendment shall have the same right of objection as in respect of the original valuation as provided in section 181.

180. The Commissioner shall in all cases in which any land ^{1*} or building is ²[valued for the first time, or at a time when an objection to a previous valuation is pending for decision, or is valued after cancellation of a previous valuation on the ground of irregularity,] or in which the valuation of any land ^{1*} or building previously valued is increased under section 172, give special notice thereof to the owner and the occupier of the same ; and when the valuation is so increased, the said notice shall contain a statement of the grounds of such increase.

Notice,
when
valuation
made
for the first
time is
increased.

181. (1) Any person who is dissatisfied with a valuation made under this Chapter may deliver at the municipal office a written notice stating the grounds of his objection to such valuation.

Notice of
objection to
valuation.

(2) Such notice shall be delivered within fifteen days after the publication of the notice referred to in section 178, or after receipt of the notice referred to in ³[sections 179 and 180], if such notice is received after the publication of the notice referred to in section 178 :

Provided that the Commissioner may, if he thinks fit, extend the said period of fifteen days to a period not exceeding one month.

¹The word "base" was omitted by sec. 84 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

²These words were substituted for the words "for the first time valued", by sec. 50 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

³These words and figures were substituted for the word and figures "section 180" by sec. 51, 1964.

[West Ben. Act

(Part IV)

d rate.—

Page 346—

In section 182,—

(a) in sub-section (2), omit the words “the Corporation with the approval of”; and

(b) after sub-section (2), insert the following sub-section, namely:—

(2A) There shall be paid out of the Municipal Fund to the officer specially appointed under sub-section (2) such salary and allowances (if any) as the State Government may determine.”

register to objection, at which

a Deputy Corporation in behalf

Court of Small Causes” words “Subordinate

Entry of objection and investigation thereof by Commissioner or Deputy

(Omitted and inserted by West Ben. Act XXV of 1965, section 3.)

I of 1965, section 6

[No. 2, dated the 1st May, 1970.]

with a copy of the reasons for the order registered post to the person who gave the notice of objection under sub-section (1) of section 181, within a fortnight from the date of the order and shall also be supplied, on application made in this behalf accompanied by a fee of one rupee, to every owner or occupier of the land or building, who is affected by the order].

183. (1) Any person dissatisfied with any order under section 182 may appeal to the Court of Small Causes having jurisdiction in the place where the land or building, to the valuation of which the objection was made, is situated.

Appeal to Small Cause Court.

(2) Such appeal shall be presented to such Court of Small Causes within forty-five days from the date of the order passed under section 182, and shall be accompanied by a copy of the order.

(3) An appeal from a decision made by the Court of Small Causes shall lie to the High Court.

IX of 1908. (4) The provisions of Parts II and III of the Indian Limitation Act, 1908, relating to appeals, shall apply to every appeal preferred under this section.

184. (1) Every valuation made under section 172 shall, subject to the provisions of sections 181, 182 and 183, be final.

Valuations, when to be final.

(2) Every order passed under section 182 by the Commissioner, a Deputy Commissioner or an officer specially appointed under sub-section (2) of section 182 shall, subject to the provisions of section 183, be final.

These words were substituted for the words “shall be sent by registered post within seven days from the date thereof to every owner and occupier of the land or building who is affected by it” by sec. 85 of the Calcutta Municipal (Amendment) Act, 1959 (West Ben. Act XIX of 1959).

XXXIII of 1951.]

*(Part IV.—Chapter XI.—Imposition of consolidated rate.—
Sections 185—187.)*

185. (1) The annual value fixed under this Chapter shall be entered in one or more books to be kept for the purpose at the municipal office, wherein shall also be recorded—

Keeping of
municipal
assessment-
books.

- (a) the number of each premises ;
- (b) the description of each premises ;
- (c) the name and place of abode of the owner and the name of the occupier ;
- (d) the amount of the valuation ;
- (e) the amount payable quarterly on account of the consolidated rate ;
- (f) the fact of exemption (if any) from payment of the said rate ; and
- (g) such other particulars as may be prescribed by rules made by the Corporation in this behalf.

(2) The particulars mentioned in sub-section (1) may be contained in as many books as the Commissioner may from time to time determine, which shall together constitute the municipal assessment-book.

(3) When the name of the owner or occupier of any premises is not known, it shall be sufficient to designate him in the said assessment-book as “the owner” or “the occupier”, as the case may be.

186. Whenever the title in any land or building or in any part or share of any land or building, is transferred, the transferee shall, within six months after the execution of the instrument of transfer, or, if no such instrument be executed, after the transfer is effected, give notice in writing of such transfer to the Commissioner :

Notice of
transfers
of title,
when to
be given.

Provided that in the event of the death of the person in whom such title vests, the person to whom, as heir or otherwise, the title of the deceased is transferred by descent or devise, shall, within one year from the death of the deceased, give notice in writing of such transfer to the Commissioner.

187. (1) Any owner or occupier may at any time apply to the Commissioner to have his name entered as owner or occupier, as the case may be, in the assessment-book ; and the Commissioner shall, after giving the parties interested an opportunity of being heard, unless there is sufficient reason to refuse such application, cause such name to be entered in the assessment-book :

Entry of
names of
owners and
occupiers
in assess-
ment-book.

Provided that if such application is refused, the reason for refusal shall be recorded in writing :

[West Ben. Act

*(Part IV.—Chapter XI.—Imposition of consolidated rate.—
Section 188.)*

Provided further that such application shall be disposed of within one year from the date of its receipt.

(2) Where there are gradations of owners or occupiers, and doubt exists as to who is entitled to have his name entered in the assessment-book as owner or occupier of the premises, the Commissioner shall, after giving the parties interested an opportunity of being heard, determine which of the several owners or occupiers is so entitled, and his decision shall remain in force for the purposes of this Act unless and until it is set aside by the order of a competent Court.

(3) No owner or occupier whose name is not entered in the assessment-book shall be entitled to object that any bill, notice of demand, warrant or other notice of any kind required by this Act to be served on the owner or occupier of any land or building, has not been made out in his own name.

Power of
Commis-
sioner to
amend the
assessment-
book.

¹188. (1) Notwithstanding anything contained in section 184, the Commissioner may at any time amend the assessment-book for reasons to be recorded in writing—

- (a) by inserting therein the name of any person whose name ought, in his opinion, to be inserted, or by striking out the name of any person whose name ought, in his opinion, to be struck out ;
- (b) by inserting the description and particulars of any land or building which, in his opinion, is liable to the consolidated rate, together with the valuation thereof, or by striking out the description and particulars of any land or building which, in his opinion, is not so liable ;
- (c) by reducing the amount of any valuation ; or
- (d) by increasing the valuation of any land or building which, in his opinion, has been substantially undervalued at the time of the last * * * valuation by reason of fraud, misrepresentation, mistake or error :

Provided that—

- (i) not less than fifteen days' notice shall be given to every owner or occupier of the land or building or other person interested therein, of the day on which any amendment of the assessment-book is intended to be made under this sub-section ;

¹Section 188 was substituted for the original section by sec. 36 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

*The word "general" was omitted by sec. 52 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

*(Part IV.—Chapter XI.—Imposition of consolidated rate.—
Sections 189—191.)*

(ii) no valuation shall be increased under clause (d), if such valuation has been determined on appeal under the provisions of section 183.

(2) Any person on whom a notice of an amendment is served under clause (i) of the proviso to sub-section (1), may file a written objection to the Commissioner at least three clear days before the date fixed in the said notice for the making of the amendment; and the provisions of sections 181 to 184 shall, with necessary modifications, apply to such objection.

189 When the valuation of any land or building is revised in consequence of an objection made under section 181 or section 188, sub-section (2), or ¹[on appeal] under section 183, the revised valuation shall take effect from the quarter in which the first-mentioned valuation would have taken effect, and shall continue in force for the period for which the said first-mentioned valuation would have been in force, and no longer.

Period for which revised valuation to continue in force.

190. (1) The assessment calculated on the valuation for the time being shown in the assessment-book shall be deemed to be the amount payable during the whole period for which the valuation is in force.

Effect of entries in assessment-book.

(2) When any amendment has been made in the assessment-book, such period shall, unless otherwise specially provided in this Act, or unless specified otherwise by the Commissioner in the case of an amendment under section 188, be calculated—

- (a) from the commencement of the quarter next succeeding that in which the notice of objection was delivered under section 181 or section 188, sub-section (2); or,
- (b) if no such notice has been delivered, then from the commencement of the quarter next succeeding that in which such amendment was made :

Provided that the old valuation shall, notwithstanding that the period for which it was made may have expired, continue in force until the commencement of the quarter referred to in clause (a) or clause (b), as the case may be.

Payment and recovery of the consolidated rate.

191. One-half of the consolidated rate shall be payable by the owners of the lands and buildings and the other half by the occupiers thereof. The payment shall be made in quarterly instal-

Payment of consolidated rate.

¹These words were substituted for the words "an appeal is preferred" by sec. 37 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

²This section was substituted for the original section by sec. 6 of the Calcutta Municipal (Amendment) Act, 1952 (West Ben. Act VIII of 1952).

[West Ben. Act

*(Part IV.—Chapter XI.—Imposition of consolidated rate.—
Sections 192—194.)*

ments and the quarters shall be taken to commence on the first day of April, the first day of July, the first day of October and the first day of January. The instalments shall be payable on or before the fifteenth day of May, the fifteenth day of August, the fifteenth day of November and the fifteenth day of February, respectively, for such quarters.

Recovery
by owner
from
tenant in
certain
cases of
part of the
owner's
share of
the con-
solidated
rate.

192. If the annual value of any land or building, as determined under this Chapter, exceeds in any case the amount of the rent payable to the owner for the land or building, less, in the case of a building, the allowance of ten *per cent.* prescribed in section 168, sub-section (1).

the owner may in such case, notwithstanding anything contained in any other law for the time being in force, recover from the person who pays him rent the difference between the sum assessed as the owner's share of the consolidated rate in respect of such land or building and the sum at which such share would have been assessed had the land or building been valued only at the amount of rent actually payable to the owner, less, in the case of a building, the allowance of ten *per cent.* prescribed in section 168, sub-section (1),

and such difference shall be added to the rent and shall be recoverable as rent by the owner from the person liable for the payment of the rent.

Apportionment
of consoli-
dated rate.

193. Where there are gradations of owners of any land or building, the Commissioner may, notwithstanding anything contained in section 191, apportion the owner's share of the consolidated rate in respect of such land or building among such owners in proportion to the amount of the net rent receivable by each of them and thereupon the owner's share of the consolidated rate shall be paid by such owners accordingly.

Explanation.—Net rent in this section means the amount of rent receivable by an owner less the amount of rent payable by him.

Refund
of owner's
share of
consolida-
ted rate for
period of
vacancy.

194. When any land the annual valuation of which does not exceed ten thousand rupees, or any building which has been assessed to the consolidated rate, has remained unoccupied and unproductive of rent for a period of sixty or more consecutive days and a written notice of the facts has been given to the Commissioner, he shall—

- (a) remit one-half of the owner's share of the consolidated rate due on account of such period, or
- (b) if the whole of such share has been paid, refund, on application made therefor, one-half of such share :

Provided that such remission or refund shall be allowed only if no sum is due from such owner as arrears of consolidated rate in respect of the land or building on the date the written notice is given.

XXXIII of 1951.]

*(Part IV.—Chapter XI.—Imposition of consolidated rate.—
Sections 195—200.)*

195. Any person who has, in respect of any land or building which has been assessed to the consolidated rate, paid the occupier's share of such rate for the whole of any quarter, shall be entitled to a refund of the rate so paid for any period in that quarter during which ¹[such land or building remained unoccupied], provided that such person has given notice in writing of the facts to the Commissioner.

Refund of occupier's share of consolidated rate.

196. Every notice referred to in section 194 or section 195 shall be given during the period for which the land or building is unoccupied and unproductive of rent, or during the period of the vacancy, as the case may be : and such period shall be calculated from the date on which such notice is delivered at the municipal office :

Notice under section 194 or section 195 when to be delivered.

Provided that, if the notice is delivered within seven days of the vacancy, the remission shall be allowed with effect from the date of the vacancy.

197. No refund of any amount shall be made under section 194 or section 195 unless the same is applied for within two years from the date on which the amount was paid.

Application for refund when to be made.

198. Whenever any land or building which has been assessed to the consolidated rate and has been unoccupied is re-occupied, the person liable to pay the owner's share of the rate in respect of such land or building shall, within fifteen days from the date of re-occupation, give notice thereof in writing to the Commissioner.

Notice of re-occupation, when to be given.

199. Whenever any land or building which has been assessed to the consolidated rate and has been unoccupied is re-occupied during any quarter, the occupier's share of the rate in respect of such land or building shall be payable from the date of such re-occupation.

Rate payable from date of re-occupation.

200. If any land or building is ordinarily occupied by more than one person holding in severalty, or is valued at less than five hundred rupees, the Commissioner may, notwithstanding anything contained in section 191, levy the entire consolidated rate from the owner of such land or building.

Power of Commissioner to levy entire rate from owner in certain cases.

¹These words were substituted for the words "he did not occupy such land or building" by sec. 38 of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1958).

[West Ben. Act

(Part IV.—Chapter XI.—Imposition of consolidated rate.—
Sections 201—204.)

Recovery
from occu-
pier of
portion of
rate paid
by owner
under
section
200.

201. When the entire consolidated rate is paid by the owner of any land or building under section 200, such owner may, if there be but one occupier of the land or building, recover from such occupier, half of the rate so paid, and may, if there be more than one occupier, recover from each occupier half of such sum as bears to the entire amount of rate so paid by the owner the same proportion as the value of the portion of the land or building in the occupation of such occupier bears to the entire value of such land or building.

Consolida-
ted rate to
be paid
by owner
of a *bustee*.

202. (1) Notwithstanding anything contained in section 191 the entire consolidated rate leviable upon a *bustee* shall, after deducting therefrom a sum equal to one-eighth of such rate, be paid by the owner of the land contained within the *bustee* :

Provided that if the owner of the land contained within the *bustee* is also the owner of the huts therein, no such deduction shall be made.

(2) Whenever the consolidated rate is leviable upon a *bustee*, the owner of the land contained within such *bustee* may recover from the owner of each hut standing thereon—

(i) one-half of the consolidated rate payable in respect of the portion of the land on which the hut stands ;

(ii) the entire consolidated rate payable in respect of the hut.

(3) The sum deducted under sub-section (1) shall be retained by the owner of the land contained within the *bustee*—

(a) as a set-off against the expenses which may be incurred in collecting the portion of the rate recoverable under sub-section (2) from the owners of huts, and

(b) as a commutation of all refunds in respect of huts which are vacant or which may be removed or destroyed during the continuance of the period for which the rate is leviable.

Consoli-
dated rate
not pay-
able on
new and
enlarged
huts in a
bustee.

203. The consolidated rate shall not be payable on account of any new huts built or any huts enlarged in a *bustee* during the year for which the valuation of the *bustee* remains in force under clause (a) of sub-section (3) of section 172.

Power to
Corpora-
tion to
except
bustee
from
section
202.

204. The Corporation may, by order, from time to time and for such period as may be specified in the order, except any *bustee* or any part of a *bustee* from the operation of section 202 ; and while any such order is in force in respect of any *bustee* or part thereof, the other provisions of this Act as to the payment and recovery of the consolidated rate shall apply to such *bustee* or part.

XXXIII of 1951.]

*(Part IV.—Chapter XI.—Imposition of consolidated rate.—
Sections 205—207.)*

205. The Commissioner may, by written notice, require the occupier of any land or building to furnish him within fifteen days with the name and address of the owner of such land or building.

Requisition for name of owner.

206. If the occupier of any land or building refuses or neglects to comply with a notice served under section 205, he shall be liable to pay the rate payable by the owner on account of such land or building; and, on non-payment thereof, the Commissioner may recover the same by distress and sale of any movable property found on the land or in the building :

Occupier liable to owner's rate on failure to furnish owner's name and address.

Provided that no arrear of the rate which has remained due from the owner of any land or building for more than one year shall be so recovered from the occupier thereof.

207. (1) When an objection to a valuation has been made under section 181, the consolidated rate shall, pending the final determination of the objection, be payable on the previous valuation in the usual manner.

Payment of consolidated rate, how affected by objections to valuation.

(2) If, when the objection has been finally determined, the previous valuation is altered, then—

- (a) any sum paid in excess shall be refunded or allowed to be set-off against any present or future demand of the Corporation under this Act, and
- (b) any deficiency shall be deemed to be an arrear of the consolidated rate and shall be payable and recoverable as such :

Provided that—

- (i) if any premises have, for the purposes of valuation under section 172, been for the first time valued or sub-divided or amalgamated with any other premises, and an objection to the valuation thereof has been made under section 181, then the consolidated rate shall, pending the final determination of the objection, be paid on such valuation ; and
- (ii) if, when such objection has been finally determined, such valuation is reduced, and if the consolidated rate has already been paid thereon, then the sum paid in excess shall be refunded or allowed to be set off against any present or future demand of the Corporation under this Act.

[West Ben. Act

(Part IV.—Chapter XII.—Tax on carriages and animals.—Sections 208—210.)

CHAPTER XII.

Tax on carriages and animals.

Tax on
carriages
and ani-
mals as
specified
in Schedule
VI.

208. (1) A tax, at rates not exceeding those respectively prescribed in Schedule VI, shall be imposed upon all carriages and animals specified in that schedule and kept or used in Calcutta, except—

- (a) carriages kept for sale by *bona fide* dealers in such carriages and not used for any other purpose ;
- (b) carriages and animals belonging to Government and maintained—
 - (i) for the use of the Governor of West Bengal or his staff or household ; or
 - (ii) for police or military purposes ;
- (c) carriages and animals maintained by any authority for the purposes of a fire-brigade ;
- (d) carriages and animals certified by the Commissioner of Police to be ordinarily used by the owners thereof for police purposes ;
- (e) tram-cars employed in working street tramways, and exempted under any contract with the Corporation ; and
- (f) horses which any person exempted from the operation of any municipal tax by an order issued under section 3 of the Municipal Taxation Act, 1881, is bound by the regulation of the service to which he belongs, to keep.

XI of 1881.

(2) The rates at which the said tax is to be imposed shall be determined annually in the Budget Estimates prepared under Chapter VIII.

Tax, when
payable.

209. The tax imposed under section 208 shall be payable half-yearly in advance.

Obligations
to furnish
statements,
and pay-
ment and
remission
of tax.

210. (1) The owner or the keeper of any carriage or animal liable to the tax imposed under section 208 shall, before the first day of May and the first day of November in each year—

- (a) forward to the municipal office a written statement, signed by him containing a description of all carriages and animals owned by him or in his charge which are so liable, and
- (b) at the same time pay to the Corporation the tax payable for the current half-year in respect of the carriages and animals specified in such statement.

XXXIII of 1951.]

(Part IV.—Chapter XII.—Tax on carriages and animals.—Sections 211, 212.)

(2) Any person who becomes the owner or keeper during any half-year of any carriage or animals liable to the tax imposed under section 208, shall, within one week of his becoming owner or taking charge,

- (i) forward to the municipal office a statement of the kind mentioned in clause (a) of sub-section (1), and
- (ii) at the same time, pay to the Corporation the tax payable in respect of such carriage or animal for the whole of the said half-year :

Provided that the tax payable in respect of any carriage or animal shall not be levied twice for the same half-year.

(3) If the Commissioner is satisfied—

- (i) that any carriage liable to such tax has not been used during the half-year, or
- (ii) that any carriage or animal liable to such tax has been kept for only a portion of the half-year,

he may refund or remit the whole of the tax payable in respect of such carriage or animal for the said half-year or such portion of such tax as he may think fit.

(4) For the purpose of this section a livery stable-keeper shall be deemed to be the owner or to be the keeper of every carriage or animal in his stables.

211. The Commissioner may, from time to time, by written notice, require the occupier of any land or building to forward to him a statement, signed by such occupier, containing—

- (i) the name and address of every person who owns or keeps any carriage or animal which is kept in or on such land or building and is liable to the tax imposed under section 208, and
- (ii) a description of all such carriages and animals.

Power to Commissioner to require occupier to furnish statements.

212. (1) When the owner or the keeper of any carriage or animal, pays to the Corporation the amount of the tax imposed under section 208, the Commissioner shall grant him a license to keep or use such carriage or animal during the current half-year.

Grant of license on payment of tax.

(2) The Commissioner may at any time grant a similar license for any previous half-year for which no license has been taken out, on payment of the amount due for that half-year :

Provided that the production of such a license shall not afford valid defence if the licensee is prosecuted for failing to take out a license within the time required by this Act.

[West Ben. Act.

(Part IV.—Chapter XII.—Tax on carriages and animals.—Sections 213—216.)

Power to Commissioner to compound, with livery stable-keepers, etc., for tax.

213. The Commissioner may with the approval of the Standing Finance Committee or in accordance with rules framed by that body compound for any period not exceeding one year, with any livery stable-keeper or other person keeping carriages for hire, or animals for sale or hire, for a certain sum to be paid in respect of the carriages or animals so kept by such person in lieu of the tax imposed thereon under section 208.

Power to Commissioner to require production of books and accounts by livery stable-keeper.

214. The Commissioner may, by written notice, require any person who carries on the trade or business of a livery stable-keeper to produce, for his inspection, all books and accounts relating to such trade or business.

Power to Commissioner to inspect any premises in pursuance of provisions of this Chapter, and to seize and dispose of carriages and animals.

215. (1) The Commissioner may inspect any public carriage stand or any stable, coach-house or other place for any of the purposes, or in pursuance of any of the provisions, of this Chapter.

(2) If, on such inspection, any carriage or animal is found in respect of which no license has been obtained, the Commissioner—

(a) may, if the owner or the keeper of such carriage or animal is unknown, take possession of such carriage or animal, and

(b) shall thereupon make such order as he may think fit respecting the custody of such carriage or animal.

(3) If any person, within one month from the date of such order, establishes, to the satisfaction of the Commissioner, his claim to the possession of such carriage or animal, the Commissioner shall order it to be delivered to him on payment of the tax due, together with such costs as the Commissioner has reasonably incurred in taking possession of and keeping the same.

(4) If no person within the said period satisfies the Commissioner that he is entitled to the possession of such carriage or animal, the Commissioner may—

(i) cause the same to be sold for the recovery of the tax and costs referred to in sub-section (3), and

(ii) order the sale-proceeds, after deducting therefrom the said tax and costs (together with the costs of the sale), to be paid to any person who, within six months from the date of such sale, establishes, to the satisfaction of the Commissioner his claim to such proceeds.

Dogs.

Tax on dogs.

216. (1) A tax not exceeding twenty rupees *per annum* shall be imposed upon every dog kept in Calcutta :

XXXIII of 1951.]

*(Part IV.—Chapter XII.—Tax on carriages and animals.—
Section 217.)*

Provided that the Commissioner may, in accordance with such rules as may be made by the Corporation, exempt from the tax, any dog which appears to him to be less than six months of age until in his opinion it shall reach that age.

(2) Such tax shall be payable yearly in advance, and the rate at which it is to be imposed shall be determined annually in the Budget Estimates prepared under Chapter VIII.

(3) The owner or keeper of any dog liable to the tax imposed under sub-section (1) shall, before the first day of May in each year,—

(a) forward to the municipal office a list, signed by him, of all dogs owned or kept by him which are so liable, and

(b) at the same time pay to the Corporation the tax payable for the current year in respect of every such dog.

(4) Any person who, in the course of any year, becomes the owner or the keeper of any dog, shall within one week of his so becoming owner or taking charge furnish a like statement and pay to the Corporation the tax payable for that year in respect of such dog :

Provided that the tax payable in respect of any dog shall not be levied twice for the same year.

217. (1) When any person has paid to the Corporation the tax payable in respect of any dog, the Commissioner shall—

(a) grant him a license to keep such dog during the current year, and

(b) provide him with a number-ticket, the number whereof shall be specified in the said license.

(2) The owner or the keeper of any dog so licensed shall at all times cause the said number-ticket to be kept attached to the collar or otherwise suspended from the neck of the dog.

(3) Any dog which has no such number-ticket for the current year so attached or so suspended, shall be presumed to be an unlicensed dog and may be seized by the Police or by any person duly authorised by the Commissioner in this behalf and detained until the tax due (if any) has been paid :

Provided that if such dog appears to be rabid or otherwise dangerous to public safety, it may immediately be destroyed by the Police or the person authorised.

(4) If any person, within seven days from the date of such seizure, satisfies the Commissioner that he is the owner or keeper of such dog, the Commissioner shall order it to be delivered to such person on payment of the tax due (if any), together with the costs incurred by the Corporation in keeping the dog.

License
and
number-
ticket for,
and dis-
posal of,
dogs.

[West Ben. Act

(Part IV.—Chapter XIII.—Tax on professions, trades and callings.—Section 218.)

(5) If, within the said seven days, no person satisfies the Commissioner that he is the owner or the keeper of the dog or pays the said tax and costs, the Commissioner may cause the dog either—

- (a) to be destroyed, or
- (b) to be sold and the sale-proceeds, after deducting therefrom the said tax and costs (together with the costs of the sale) to be paid to any person who, within six months from the date of such sale, establishes, to the satisfaction of the Commissioner, his claim to such proceeds.

CHAPTER XIII.

TAX ON PROFESSIONS, TRADES AND CALLINGS.

Licenses
to be taken
out
annually.

218. (1) Every person who exercises or carries on in Calcutta, either by himself or by an agent or representative, any of the professions, trades or callings indicated in Schedule IV, shall annually take out a license before the first day of July in each year or within one month of his taking up the profession, trade or calling, as the case may be, and pay for the same such fee as is mentioned in that behalf in the said schedule :

Provided that the grant of such a license shall not be deemed to affect the liability of the licensee to take out a license under any other section of this Act :

Provided also that the Commissioner may * * *

- (a) remit or refund any portion of the fee so payable in respect of the exercise or carrying on of any profession, trade, or calling, if he is satisfied that the profession, trade or calling has not been exercised or carried on for more than six consecutive months ; or
- (b) exempt a person who in the opinion of the Commissioner is unable to pay the fee due for a license from liability to take out such license, or declare that he shall be entitled to take out a license under a lower class than that under which he is chargeable according to the said schedule ; or
- (c) in any other case, exempt any person from liability to take out a license or declare that any person shall be entitled to take out a license under a lower class than before.

¹The words "with the approval of the Standing Finance Committee" were omitted by sec. 89(1) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

XXXIII of 1951.]

(Part IV.—Chapter XIII.—Tax on professions, trades and callings.—Sections 219—221.—Chapter XIV.—Scavenging Tax.—Section 222.)

¹(1a) A statement reporting therein every remission or refund granted under sub-section (1) shall be submitted quarterly by the Commissioner to the Standing Finance Committee.

(2) The Commissioner may at any time grant a license for any previous year for which no license has been taken out, on payment of the fee which would have been payable therefor in the first instance :

Provided that the production of such a license shall not afford a valid defence if the licensee is prosecuted for failing to take out a license within the time required by this Act.

219. Every license mentioned in section 218, shall, in addition to the particulars required by section 548, sub-section (1), specify the profession, trade or calling in respect of which it is granted, and, if the license is a local license as defined in rule 2 of Schedule IV, also the place of business where the said profession, trade or calling is exercised or carried ²[on].

Grant and contents of licenses.

220. The liability of any person to take out a license, and the class under which he shall be deemed bound to take out a license, shall be determined in accordance with the rules contained in Schedule IV.

Liability and class, how to be determined.

221. The Commissioner may, by written notice, require the owner or occupier of any building or place of business to forward to him within seven days a list, signed by such owner or occupier, of the names of all persons exercising or carrying on any profession, trade or calling therein, and of their respective professions, trades and callings.

Power to Commissioner to call for list of persons.

CHAPTER XIV.

Scavenging Tax.

222. Every person who exercises in Calcutta any of the callings indicated in Part I of Schedule VII shall every half-year take out a license and pay for the same a fee, to be calculated—

License be taken out half-yearly, and fee to be paid therefor.

(a) according to the average number of animals kept by him in the exercise of such calling, as determined from time to time by the Corporation, or

(b) in the case of the owner or occupier of a market, according to the average quantity of offensive matter and rubbish removed daily, as determined from time to time by the Corporation,

at the rates mentioned in Part II of the said schedule :

¹Sub-section (1a) was inserted by sec. 39(2) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

²This word was added by sec. 40, *ibid.*

[West Ben. Act

(Part IV.—Chapter XIV.—Scavenging Tax.—Section 223.—
Chapter XV.—Tax on carts.—Section 224.)

Provided that when the owner of a cattle-shed (*khattal*) has taken out a license and paid the scavenging tax, no hackney carriage owner, or carter, or milk-seller, or cattle dealer, or donkey owner or swine-herd or goat-herd shall be required to take out a license or pay a tax for animals kept in that cattle-shed :

Provided further that the Commissioner may ^{1*} * * * remit or refund the whole or any portion of the fee so payable by any person in respect of any half-year if he is satisfied that such person himself removes the offensive matter and rubbish accumulating on his premises or has exercised his said calling for a portion only of such half year.

Grant and
extent of
licenses.

223. (1) Every license mentioned in section 222 shall, in addition to the particulars required by section 548, sub-section (1), specify—

- (a) the calling in respect of which it is granted ; and
 - (b) the animals in respect of which it is granted, or, in the case of a market, the average quantity of offensive matter and rubbish removed daily, as determined by the Corporation.
- (2) Every such license shall be taken out not later than the first day of June or the first day of December in each year or within one month of his taking up the calling.

CHAPTER XV.

Tax on carts.

Registra-
tion and
numbering
of carts.

224. (1) Every cart kept or used in Calcutta or the Municipality of Howrah except carts which are kept at any place more than ²[thirteen kilometres] distant from Government House and are only temporarily and infrequently used in Calcutta or the Municipality of Howrah, shall be registered at the municipal

Pages 360-363—

*Omit sections 224 to 228.

(Omitted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

omitted by sec. 22 of the Calcutta Municipal Act, 1953 (West Ben. Act XIX of 1953).

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²These words were substituted for the words "eight miles" by sec. 53 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

(Part IV.—Chapter XV.—Tax on carts.—Section 225.)

(2) A charge of one rupee shall be payable for a number-plate affixed to a cart.

(3) Such registration shall be made, and the said numbers assigned, half-yearly, upon such dates as the Corporation may appoint in that behalf.

(4) No person shall keep or be in possession of a cart not duly registered under this section.

(5) No owner or driver of a cart shall fail to affix thereto a number-plate as required by sub-section (1).

(6) The Corporation with the approval of the State Government shall prescribe the maximum number of carts which may be registered under this Act.

(7) The Commissioner may refuse to register any cart which fails to conform to the by-laws made in regard to carts under this Act, or for which registration is applied for after the maximum number of carts as prescribed in sub-section (6) has already been registered.

225. (1) The fee payable for each registration of a cart shall be—

**Fees for
registra-
tion of
carts.**

(a) rupees ten if the cart is fitted with pneumatic tyres,^{1*}

²(b) rupees eighteen, if the cart is fitted with solid rubber tyres, and

²(c) rupees forty, if the cart is not fitted with pneumatic tyres or with solid rubber tyres :

Provided that no fee shall be payable for registration of any of the following carts :—

(a) carts which are the property of Government, and

(b) carts which are the property of the Corporation of Calcutta, of the Commissioners of the Municipality of Howrah or of any other municipality in the neighbourhood of Calcutta or Howrah, declared by notification under section 226, as being entitled to a share in the cart registration fees.

(2) The Commissioner may * * * * * remit any portion of the fee leviable under sub-section (1) in respect of any cart if he is satisfied that the same has been kept or used for a portion of the half-year only :

⁴Provided that the Commissioner shall submit quarterly to the Standing Finance Committee a statement reporting therein every remission granted by him under this sub-section.

¹The word "and" was omitted by sec. 42(1)(a) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

²Clause (b) and (c) were substituted for the original clause (b) by sec. 42(1)(b), *ibid.*

³The words and commas "with the previous approval of the Standing Finance Committee," were omitted by sec. 42(2), *ibid.*

⁴This proviso was added by sec. 42(3), *ibid.*

[West Ben. Act

(Part IV.—Chapter XV.—Tax on carts.—Sections 226—228.)

(3) When the ownership of any registered cart is transferred during any half-year, it shall be re-registered in the name of the person to whom it has been transferred ; and a fee of two rupees shall be paid for every such re-registration.

Division of
proceeds of
registra-
tion fees,
etc.

226. After deduction of the costs incurred on account of the registration of carts and the supply of number-plates under this chapter, the total net proceeds of the fees and charges received by the Corporation for such registration shall be divided between the Corporation of Calcutta and the Commissioners of the Municipality of Howrah and such other municipalities in the neighbourhood of Calcutta or of the Municipality of Howrah as the State Government shall declare, by notification in the *Official Gazette*, to be entitled to a share in such proceeds, in such proportion as the State Government may from time to time determine.

Seizure
and sale of
unregis-
tered carts
and
application
of proceeds
of sale.

227. (1) If any person owns or keeps any cart not duly registered under section 224, the Commissioner may seize such cart, together with the animals (if any) drawing it, and detain the same in a place to be appointed by him in this behalf :

Provided that no cart shall be so seized while conveying passengers or goods.

(2) If any person, within ten days of such seizure, establishes to the satisfaction of the Commissioner his claim to the possession of any cart or animal seized under sub-section (1), the Commissioner shall order it to be delivered to him on payment of the tax due together with such costs as has been reasonably incurred in seizing the cart or the animal and detaining the same. If no claim is preferred within ten days the Commissioner may sell the cart or the animal by public auction.

(3) The proceeds of such sale may be applied in defraying the expenses incurred on account of the seizure, detention and sale ; and the surplus (if any), if not claimed within a period of ninety days from the date of such sale, shall be paid to the credit of the Municipal Fund.

No person
to drive
cart
without a
registra-
tion ticket.

228. (1) No person shall drive, pull or push a cart without carrying exposed to view a ticket granted to him by the Commissioner bearing the registration number as driver, puller or pusher.

(2) The Commissioner shall maintain a register of cartmen authorised to drive, pull or push carts, which shall contain—

- (a) the number of the ticket,
- (b) the name, the father's name, the place of abode and age of the person to whom the ticket is granted,
- (c) the description of cart such person is authorised to drive, pull or push, and
- (d) the date on which the ticket is granted.

XXXIII of 1951.]

(Part IV.—Chapter XVI.—Tax on Advertisements.—
Sections 229—232.)

(3) No cartman shall use or wear a ticket granted to him under this section if the number therein has become indistinct or obliterated nor shall he wear a ticket granted to another cartman.

(4) The Commissioner shall upon the application of any cartman whose ticket has become indistinct or obliterated or has been lost supply such cartman with a new ticket upon payment of a fee of not more than one rupee as may be prescribed by the Corporation by rules in this behalf.

CHAPTER XVI.

Page 363—

(1) Renumber section 229 as sub-section (1) of that section, and for the existing marginal note to that section, substitute the following, namely:—

“Tax on and grant of license for advertisements.”;

(2) after section 229 as so renumbered, add the following sub-section, namely:—

“(2) When any person pays any tax under sub-section (1) for any advertisement, the Commissioner shall grant him a license in respect of such advertisement.”.

(Renumbered, substituted and added by West Ben. Act VI of 1967, section 6.)

[No. 5, dated the 1st May, 1970.]

231. Where any advertisement has been erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure or within a public street or a public place in contravention of the provisions of this Act, or any bye-laws or rules made thereunder, it shall be presumed, unless and until the contrary is proved, that the contravention has been committed by the person or persons or their agents on whose behalf the advertisement purports to be.

232. If any advertisement be erected, exhibited, fixed or retained in contravention of the provisions of section 230, the Commissioner may require the owner or occupier of the land,

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Presump-
tion in
case of
contraven-
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Power of
Commis-
sioner in
case of
contraven-
tion.

¹This heading was substituted for the existing heading by sec. 51 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²This word in the marginal note was substituted for the words “License fee” by sec. 55, *ibid*.

³These words were substituted for the words “license fee calculated at such rate and in such manner and subject to such exemptions as the Corporation may prescribe by rules, with the approval of the State Government.” by sec. 56, *ibid*.

⁴This section 230 was substituted for the existing section by sec. 57, *ibid*.

[West Ben. Act

(Part IV.—Chapter XVI.—Tax on Advertisements.—
Sections 233, 233A.)

building, wall, hoarding or structure upon or over which the same is erected, exhibited, fixed, or retained, to take down or remove such advertisement or may enter any building, land or property and have the advertisement dismantled, taken down or removed or spoiled, effaced or screened.

Excep-
tions.

233. The provisions of sections 229 to 232 shall not apply to any advertisement which—

(a) relates to a public meeting, or an election to any legislative body or the Corporation of Calcutta or

Page 364—

*In clause (a) of section 233, for the words "Corporation of Calcutta", substitute the words "Corporation of Howrah". building if the [No. 2, dated the 1st May, 1970.]

(Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.] is carried on or which such advertisement is exhibited or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held on or upon or in the same ; or

(d) relates to the name of the land or building upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building ; or

(e) relates to the business of a railway administration and is exhibited within any railway station or upon any wall or other ²[property of a railway administration ; or]

³(f) is not exhibited for the purpose of any trade and relates to any—

(i) public charitable institution, or

(ii) public educational institution, or

(iii) public hospital, or

(iv) free dispensary, or

(v) place of worship, or

(vi) information or direction given to the public for their convenience or guidance.

Determina-
tion and
payment
of tax.

233A. (1) The rates at which the tax under section 229 is to be imposed shall be determined annually, in the Budget Estimates prepared under Chapter VIII.

¹The comma and the word were inserted by sec. 48 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

²These words were substituted for the words "property of a railway administration" by sec. 58(a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

³This clause was added by sec. 58(b), *ibid.*

⁴This sec. 233A was inserted by sec. 59, *ibid.*

XXXIII of 1951.]

(Part IV.—Chapter XVII.—Recovery of the consolidated rate and other taxes.—Sections 234—236.)

(2) The tax payable under section 229 shall be paid at such time and in such manner as may be prescribed by rules made by the Corporation.

CHAPTER XVII.

RECOVERY OF THE CONSOLIDATED RATE AND OTHER TAXES.

234. The provisions of this Chapter shall be deemed to be in addition to, and not in derogation of, any powers conferred by or under other Chapters of this Act for the collection or recovery of the consolidated rate and other taxes.

Saving of other chapters.

The Consolidated Rate.

235. (1) When the consolidated rate or any instalment thereof is due, the Commissioner shall, with the least practicable delay, cause to be presented to the person liable a bill for the sum due.

Presentation of bills.

(2) Every such bill shall specify the period for which, and the premises in respect of which, the rate is charged.

(3) When any person is liable for the consolidated rate on account of more premises than one, the Commissioner may charge to him in one or several bills, as he may think fit, the several sums payable by him as such rate, on account of such premises :

Provided that if such person, by written notice to the Commissioner, requests to be furnished with separate bills for such sums, the Commissioner shall comply with such request in respect of all payments on account of the said rate for which such person becomes liable after receipt by the Commissioner of such notice.

(4) If the amount for which any bill has been presented under this section is paid within fifteen days from such presentation into the municipal office, a rebate of three and one-eighth *per cent.* of such amount shall be allowed to the payer.

¹*Explanation.*—A bill shall be deemed to be presented under this section if it is sent by post under certificate of posting to the person liable, and in such case, the date borne on such certificate of posting shall be deemed to be the date of presentation of the bill to the person liable.

236. (1) If the amount for which any bill has been presented under section 235 is not paid within fifteen days from such presentation, into the municipal office or to a municipal officer appointed to receive the same, the Commissioner may cause to be served upon the person liable a notice of demand in the form in Schedule VIII, or in a form to the like effect.

Notice of demand.

¹This *Explanation* was added by sec. 44 of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1958).

[West Ben. Act

(Part IV.—Chapter XVII.—Recovery of the consolidated rate and other taxes.—Section 237.)

(2) For every such notice of demand a fee of such amount, not exceeding two rupees, as may in each case be fixed by the Commissioner, shall be payable by the said person, and the said amount shall be included in the costs of recovery.

¹(3) On the amount of a bill remaining unpaid after fifteen days after presentation of the bill, interest shall be payable at the rate of one-half *per cent. per mensem* for the period commencing on the first day of the quarter following that in which the bill is presented and ending with the month preceding the month in which payment is made.

Explanation.—In calculating the interest payable under this sub-section, a fraction of a rupee in the amount of the bill on which interest is to be calculated shall,—

(a) where it is less than fifty paise, be left out of account, and

(b) where it is not less than fifty paise, be taken as one rupee.

Distrain-
t in
Calcutta.

237. (1) If the person liable for the payment of the consolidated rate does not, within fifteen days from the service of a notice of demand under section 236, pay the sum due, or show sufficient cause to the satisfaction of the Commissioner for non-payment of the same,

such sum, with interest thereon and all costs of recovery, may be recovered under a warrant in the form in Schedule IX, or in a form to the like effect, to be issued by the Commissioner—

(a) by distress and sale of any movable property belonging to such person, or

(b) if such person be the occupier of any premises in respect of which the sum is due, by distress and sale of any movable property found on the said premises :

Provided that, when the premises in respect of which the default is committed are a place of business, and the movable property distrained under clause (b) is shown to the satisfaction of the Commissioner to have been left there (by some person other than the person referred to in that clause) for repairs or safe custody in the ordinary course of business, it shall be released.

(2) The movable property of any person liable for the payment of any sum, for the recovery of which a warrant has been issued under sub-section (1), may be distrained wherever the same may be found in Calcutta.

¹This sub-section was substituted for the existing sub-section by sec. 60 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

(Part IV.—Chapter XVII.—Recovery of the consolidated rate and other taxes.—Sections 238—241.)

(3) For every warrant issued under this section, a fee shall be charged at the rate mentioned in that behalf in Schedule XI, and the amount of the said fee shall be included in the costs of recovery.

238. The Commissioner may, in accordance with such rules as may be made by the Standing Finance Committee, remit the whole or any part of any fee chargeable under section 236, sub-section (2), or section 237, sub-section (3).

Power to Commissioner to remit certain fees.

239. Any officer charged with the execution of a warrant of distress issued under section 237 may, if authorised by a general or special order in writing by the Commissioner, between sunrise and sunset break open any outer or inner door or window of a building in order to make the distress—

Power to officer to break open door or window.

(a) if he has reasonable ground for believing that such building contains property which is liable to such distress; and

(b) if after notifying his authority and purpose, and duly demanding admittance, he cannot otherwise obtain admittance:

Provided that such officer shall not enter, or break open the door of, any apartment appropriated to the use of females, until he has given not less than three hours' notice of his intention and has given such females an opportunity to withdraw.

240. The officer charged with the execution of a warrant of distress issued under section 237, shall forthwith make in the presence of two witnesses an inventory of the movable property which he seizes under such warrant, and shall at the same time give a written notice, in the form in Schedule XII, or in a form to the like effect, to the person in possession thereof at the time of seizure, that such property will be sold as therein mentioned:

Officer executing warrant to make inventory and notice of sale.

Provided that, if the property is of a perishable nature it may be sold at once with the consent of the defaulter or without such consent at any time after the expiry of six hours from the seizure.

241. If there is reason to believe that any property seized under a warrant of distress issued under section 237 is likely, if left in the place where it is found, to be removed by force, the officer executing the warrant may take it to the municipal office or to any place appointed by the Commissioner.

Power to said officer to take away property if forcible removal apprehended.

[West Ben. Act

(Part IV.—Chapter XVII.—Recovery of the consolidated rate and other taxes.—Sections 242—245.)

Distresses to be proportionate to sum demanded for.

242. The amount of property seized in any distress made under this Act shall not be disproportionate to the amount of the arrears due.

Sale and disposal of proceeds.

243. (1) If a warrant of distress issued under section 237 is not in the meantime suspended by the Commissioner or discharged, the movable property seized thereunder shall, after the expiry of the period mentioned in the notice served under section 240, be sold by order of the Commissioner. **Page 368—**

(2) All such property may be sold in Calcutta. **In sub-section (2) of section 243, omit the words "of Calcutta".* (Omitted by West Ben. Act XVII of 1965, section and Schedule B.)

(3) No person shall purchase any property at any such sale. *[No. 2, dated the 1st May, 1970.]*

(4) The Commissioner shall apply the proceeds of every such sale or the proceeds of any sale under section 240, proviso or such part thereof as shall be requisite, in discharge of the sum due and of the costs of recovery.

(5) The surplus (if any) of such proceeds shall be forthwith credited to the Municipal Fund; but, if the same be claimed by written application to the Commissioner within three years from the date of the sale, a refund thereof shall be made to the person who was in possession of the movable property at the time of its seizure.

(6) Any such surplus not so claimed shall be the property of the Corporation.

Power to Commissioner to issue fresh warrant when sale-proceeds insufficient.

244. (1) If the proceeds of any sale under section 240, proviso, or section 243 are not sufficient to cover the sum due, together with the costs of recovery, the Commissioner may issue a fresh warrant of distress in the form in Schedule IX, or in a form to the like effect, for the recovery of the balance due and for all additional costs thereof.

(2) The provisions of sections 237 to 243 shall, with all necessary modifications, be deemed to apply whenever a warrant is issued under sub-section (1).

Recovery under Ben. Act III of 1913 of sums due.

245. After a defaulter has been proceeded against under the foregoing provisions of this Chapter unsuccessfully or with only partial success, the Commissioner may recover from him by certificate under the Bengal Public Demands Recovery Act, 1913, any sum due or the balance of any sum due, as the case may be, together with interest and all costs.

Ben. Act III of 1913.

XXXIII of 1951.]

(Part IV.—Chapter XVII.—Recovery of the consolidated rate and other taxes.—Sections 246—248.)

246. (1) If the sum due from the owner of any land or building ^{1*} * on account of the consolidated rate remains unpaid after notice of demand has been duly served upon him, the Commissioner may cause a notice of demand to be served upon the occupier of such land or building, or upon any of his sub-tenants or upon the owner or occupier of a hut ²[thereon for the time being].

Recovery of owner's share of rate from occupier or his sub-tenants, and deduction of amount from rent.

(2) If such occupier or any of such sub-tenants or any of such owner or occupier of a hut fails within fifteen days from the service of such notice to pay the amount therein demanded, the said amount may be recovered from him under the provisions of this Chapter.

(3) No arrears of the owner's share of the consolidated rate shall be recovered from any occupier or sub-tenant or owner or occupier of a hut under this section if it has remained due for more than one year or if it is due on account of any period during which such occupier or sub-tenant or owner or occupier of a hut was not in occupation of the land or building or the hut ^{3*} * * in respect of which the rate is due.

(4) If any sum is paid by or recovered from any occupier or sub-tenant or owner or occupier of a hut or any land or building ^{4*} * under this section, he shall be entitled to deduct the same from the rent payable by him in respect of such land or building or hut for the period for which the arrear of consolidated rate was due, or for any subsequent period.

247. The purchaser of—

- (a) any land or building ^{5*} * , or
- (b) any share divided or undivided, in any land or building ^{5*} * ,

Liability of purchaser for vendor's share of consolidated rate.

in respect of which any sum is due at the time of purchase from the previous owner on account of the consolidated rate, shall be liable for the said sum :

Provided that such purchaser shall not be liable for any sum so due for any period exceeding one year prior to the date of purchase.

248. (1) When a warrant of distress has been issued against any person under section 237 or section 244—

- (a) if no sufficient movable property belonging to the said person can be found in Calcutta, or

Execution of distress warrant outside Calcutta.

¹The words "or *bustee*" were omitted by sec. 46(1)(a) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

²These words were substituted for the words "in such *bustee* for the time being thereof" by sec. 46(1)(b), *ibid.*

³The words "in the *bustee*" were omitted by sec. 46(2), *ibid.*

⁴The words "or *bustee*" were omitted by sec. 46(3), *ibid.*

⁵The words "or *bustee*" in clauses (a) and (b) were omitted by sec. 47, *ibid.*

[West Ben. Act

(Part IV.—Chapter XVII.—Recovery of the consolidated rate and other taxes.—Sections 249, 250.)

- (b) when the said person is the occupier of premises in respect of which the consolidated rate is due, if no sufficient movable property can be found on such premises,

the Commissioner may issue a warrant, to any Magistrate in West Bengal without Calcutta, for the distress and sale of any movable property belonging to the said person within the jurisdiction of such Magistrate.

(2) Any Magistrate to whom a warrant is so issued shall—

- (i) endorse the same and cause it to be executed, and
(ii) remit the amount realised under such warrant to the Corporation.

(3) If there has been any sale, the proceeds shall be dealt with under the provisions of section 243.

Distrain-
ment not
unlawful
for want
of form.

249. No distress levied under this Act shall be deemed to be unlawful nor shall any person making the same be deemed a trespasser, on account of—

- (a) any defect or want of form in the notice, summons, notice of demand, warrant of distress, inventory or other proceeding relating thereto, or
(b) any irregularity committed by the said person :

Provided that any person aggrieved by such defect or irregularity may recover, in any Court of competent jurisdiction, full satisfaction for any special damage sustained by him.

Power to
Commissioner
to take
summary
proceedings
against
persons
about to
leave
Calcutta.

250. (1) If the Commissioner at any time has reason to believe that any person from whom any sum is due on account of the consolidated rate is about forthwith to remove from Calcutta, the Commissioner may direct the immediate payment by such person of the sum so due and cause a bill for the same to be presented to him.

(2) If, on presentation of such bill, the said person does not forthwith pay the sum due by him, the amount shall be leviable under the provisions of this Chapter :

Provided that—

- (a) it shall not be necessary to serve upon the said person any notice of demand, and
(b) the warrant of distress may be issued and executed without any delay.

XXXIII of 1951.]

(Part IV.—Chapter XVII.—Recovery of the consolidated rate and other taxes.—Sections 251, 252.)

251. (1) ¹[After a defaulter has been proceeded against under the foregoing provisions of this Chapter] unsuccessfully or with only partial success, it shall be competent for the Corporation to recover from him by suit, in any Court of competent jurisdiction, any sum due, or the balance of any sum due, as the case may be, on account of the consolidated rate, together with all costs.

Power to Commissioner to sue for arrears.

(2) Where it is not possible to ascertain the name of the owners of or the persons interested in any premises, a suit as aforesaid may be instituted designating "the owners of and the person interested in premises No....." as the defendants therein without mentioning the names of the defendants. After the suit has been so instituted, the Corporation shall apply to the Court for directions to have notice of such suit published in such manner as the Court thinks fit and comply with the directions. Any person may in pursuance of such notice apply to have his name included amongst the defendants. A decree in any such suit shall be binding on the owners of and on all persons interested in it' Page 371—

* (3) N. Omit sub-section (3) of section 251. contrary, visions of commencement: (Omitted by West Ben. Act XVII of 1965, section and Schedule B.)

West Ben. Act IV of 1960.

1960, may proceeding, [No. 2, dated the 1st May, 1970.] taken therein, ~~shall not~~, anything done or any action merely on the ground that the Calcutta Municipal (Amendment) Act, 1960 was not in force when such proceeding was instituted, such order was made, such thing was done or such action was taken.

252. (1) If money be due under this Act in respect of any land or building from the owner thereof, on account of the consolidated rate or any tax, expenses or charges recoverable under this Act, and if the owner of such land or premises is unknown or the ownership thereof is disputed, the Commissioner may publish twice at an interval of not less than two months, a notification of such dues and of sale of such land or premises for realisation thereof; and after expiry of not less than one month from the date of the last publication, unless the amount recoverable be paid, may sell such land or building by public auction to the highest bidder, who shall at the time of sale deposit twenty-five *per cent.* of the purchase money and the balance thereof within thirty days of the date of the sale. Such notification shall be published in the *Official Gazette* and in local newspapers and by hanging on the land or building concerned.

Recovery of consolidated rate or any tax or other charges when owner of land or premises is unknown or ownership is disputed.

¹These words were substituted for the words "Instead of the Commissioner proceeding against a defaulter under the foregoing provisions of this Chapter, or after a defaulter has been so proceeded against" by sec. 2(1) of the Calcutta Municipal (Amendment) Act, 1960 (West Ben. Act IV of 1960).

*Sub-section (3) was added by sec. 2(2), *ibid.*

[West Ben. Act

(Part IV.—Chapter XVII.—Recovery of the consolidated rate and other taxes.—Sections 253—255.)

(2) After deducting the amount due to the Corporation as aforesaid, the surplus sale-proceeds, if any, shall be credited to the Municipal Fund, and may be paid on demand to any person who establishes his right thereto to the satisfaction of the Commissioner or in a Court of competent jurisdiction.

(3) Any person may pay the amount due at any time before the completion of the sale, whereupon the sale shall be abandoned. Such person may recover such amount by a suit in a Court of competent jurisdiction from any person beneficially interested in such property.

(4) The provisions of this section shall not apply unless all other steps under this Chapter for the recovery of the money referred to in sub-section (1) have been taken and have been unsuccessful.

The consolidated rate to be a first charge on premises.

253. The consolidated rate due from any person in respect of any land or building ^{1* * *} [together with interest thereon, if any, payable under section 236, sub-section (3), shall, subject to the prior payment] of the land-revenue (if any) due to the Government thereupon, be a first charge upon the said land or building ^{1* * *} and upon the movable property (if any) found within or upon such land or building ^{1* * *} and belonging to the said person.

Other taxes.

Power to Commissioner to prosecute or serve notice of demand.

254. (1) When any sum is due from any person on account of—

- (a) the tax on carriages and animals,
- (b) the tax on professions, trades and callings,
- (c) the scavenging-tax, or
- (d) any other tax or fee leviable under this Act,

the Commissioner may either prosecute such person if prosecution lies under the provisions of this Act or cause to be served on him a notice of demand in the form in Schedule VIII or in a form to the like effect.

(2) The provisions of section 236, sub-section (2), section 238 and clause (a) of section 249 shall, with all necessary modifications, apply to every such notice of demand.

Election by defaulter to pay or to appeal before Commissioner.

255. Within fifteen days after the service on any person of a notice of demand under section 254, such person may—

¹The words "or interest" were omitted by sec. 48 (1) of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1958).

²These words, figures and brackets were substituted for the words "shall, subject to the prior payment" by sec. 48(2), *ibid.*

XXXIII of 1951.]

(Part IV.—Chapter XVII.—Recovery of the consolidated rate and other taxes.—Sections 256—260.)

- (a) pay the sum demanded together with any fee imposed under section 236, sub-section (2), or
- (b) appear before the Commissioner personally or by agent and after depositing the amount demanded contest the demand.

256. If any person contests the demand in pursuance of clause (b) of section 255, the decision of the Commissioner, after hearing anything that may be urged by him or on his behalf, shall be final.

Decision of Commissioner in case of contest by defaulter.

257. If, within fifteen days after the service on any person of a notice of demand under section 254, the said person has not taken any of the courses permitted by section 255, the Commissioner may, by way of penalty for failure to pay the amount due, increase the same by any sum not exceeding fifty per cent. thereof.

Power to Commissioner to increase penalty where defaulter does not appear before Commissioner.

258. (1) If, in any case referred to in section 257, the amount of the demand, together with the amount of any penalty imposed thereunder, be not forthwith paid by the person liable to pay the same,

Distrain.

such amount may, with all costs of recovery, be recovered under a warrant in the form in Schedule IX, or in a form to the like effect under the provisions of this Chapter.

(2) The provisions of sections 237 to 245 and sections 248 to 250 inclusive, shall, with all necessary modifications, apply whenever a warrant is issued under sub-section (1).

259. (1) Notwithstanding anything contained in sections 254 to 258, if any person included under class IX, number 142, or class X, number 144, in Schedule IV fails to take out a license under section 218, the Commissioner may cause the goods, which such person is hawking for sale, to be seized.

Power to Commissioner to seize hawkers' goods.

(2) Any goods so seized shall be dealt with under the provisions of this Chapter, as property distrained under section 237.

Supplemental provisions.

260. (1) No assessment and no charge or demand of the consolidated rate or any other tax made under this Act shall be called in question or in any way affected by reason of—

Taxes not invalid for defect of form.

- (a) any clerical or arithmetical mistake arising from any accidental slip or omission—

[West Ben. Act

(Part IV.—Chapter XVII.— Recovery of the consolidated rate and other taxes.—Sections 261, 262.—Part V.—Chapter XVIII.—Water-supply.—Section 263.)

- (i) in the name, residence, place of business or occupation of any person liable to pay the tax, or
 - (ii) in the description of any property or thing liable to the tax, or
 - (iii) in the amount of assessment of tax, or
 - (b) (i) any clerical error, or
 - (ii) any defect of form
- not being of a substantial nature :

Provided that the Commissioner may, either of his own motion or on the application of any aggrieved party, correct any mistake or clerical error or defect of form as is referred to in sub-section (1).

(2) It shall suffice in the case of any such tax on property or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof.

Cancellation of irrecoverable dues.

261. The Corporation may order to be struck off the books any sum due on account of the consolidated rate or any other tax or any other account, which may appear to it to be irrecoverable.

Exemption of diplomatic or consular mission of a foreign State from payment of any rate, tax or fee.

262. The State Government may, by order, exempt from the payment of any rate, tax or fee payable under the provisions of this Act, any diplomatic or consular mission of a foreign State and the diplomatic or consular officers of such mission.

PART V

THE PUBLIC HEALTH, SAFETY AND CONVENIENCE

CHAPTER XVIII.

Water-supply.

Proprietary rights of the Corporation.

Public water-works, etc., to be vested in the Corporation.

263. All public tanks, reservoirs, cisterns, wells, tube-wells, aqueducts, conduits, tunnels, pipes, taps and other water-works, whether made, laid or erected at the cost of the Municipal Fund, or otherwise, and all bridges, buildings, engines, works, materials and things, connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank, which is situated in Calcutta, shall be vested in the Corporation.

XXXIII of 1951.]

(Part V.—Chapter XVIII.—Water-supply.—Sections 264, 265.)

General duties of the Corporation in respect of the supply of water.

264. (1) The Corporation shall provide—

(a) a supply of filtered water in all parts of Calcutta, and

(b) a supply of unfiltered water—

(i) in those parts of Calcutta in which such water is provided at the commencement of this Act, and

(ii) in such other parts of Calcutta as it may think fit.

(2) Notwithstanding anything contained in sub-section (1), the Corporation may discontinue the supply of unfiltered water in any part of Calcutta :

Corporation to provide supply of filtered and unfiltered water.

Provided that where the supply of unfiltered water is so discontinued ¹[or where unfiltered water is not supplied at all]—

Page 375— (a) filtered water may be used for non-domestic purposes and mentioned in section 271, and

For section 264, substitute the following section, namely: to the Corporation... "264. The Corporation shall provide a supply of filtered water in all parts of Howrah." all such to provide supply of filtered water.

(Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

to sink a it may

Permission of Corporation to sink tube-wells in premises.

[No. 2, dated the 1st May, 1970.]

aforesaid and the Commissioner... therefrom to be satisfactory and sufficient for that premises and arrangements for its distribution adequate, the Corporation shall allow a rebate of six and a quarter *per cent.* on the consolidated rate on such premises if no supply of water is taken to such premises from the municipal filtered and unfiltered water mains. Such rebate shall continue to be granted so long as the supply of water from such tube-well and its distribution continue in the opinion of the Commissioner to be sufficient and satisfactory and no supply of filtered and unfiltered water is taken from the municipal water-supply :

sunk as water

Provided that if on any occasion during the period for which rebate has been taken, the owner or occupier of the premises is in need of water from the municipal water-supply the Corporation may supply him filtered and unfiltered water at rates prescribed by the Corporation from time to time.

¹These words were inserted by sec. 49(1) of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1958).

²These words were substituted for the words "the unfiltered water discontinued as aforesaid" by sec. 49(2), *ibid.*

[West Ben. Act

(Part V.—Chapter XVIII.—Water-supply.—Sections 266—271.)

Bathing
platforms
and public
stand-posts.

266. (1) The Corporation shall erect sufficient and convenient bathing platforms and public stand-posts for the supply, free of charge, of filtered water for bathing and other domestic purposes.

(2) All such bathing platforms and stand-posts shall be supplied with a sufficient quantity of filtered water.

Hydrants,
etc., for
street-
watering,
etc.

267. On all distribution pipes in the unfiltered water system and, if the Page 376— directs also in the filtered water system, suit

*In section 267, for the words "On all distribution pipes in the unfiltered water system and, if the Corporation so directs, also in the filtered water system, suitable hydrants shall", substitute the words "On the distribution pipes in the filtered water system, suitable hydrants may".

Page 376—

*For section
namely:—

"268. The supply of 1
mains in Howrah
maintained at su
may fix."

(Substituted by West Ben. Act XVII of 1965, section 6
and Schedule B.)

[No. 2, dated the 1st May, 1970.]

(Substituted by West Ben. Act XVII of 1965, section 6 ced by street-
and

[No. 2, dated Page 376—

purity and
potability
of filtered
water.purity and
week.

*In section 270,—

(a) in sub-section (1), for the words and figures "sections 264, sub-section (2), and 281", substitute the words and figures "sections 271 and 281";

(b) omit the proviso to sub-section (2).

(Substituted and omitted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

Use of
filtered
water.

270. (1)
(2), and 28
poses only.

(2) N-
Commissi
purposes
purposes

Pages 376-377—

*For section 271, substitute the following section,
namely:—

Provid
used for

"271. Notwithstanding anything contained elsewhere in this Act, filtered water may be used for the public purposes, such as—

Use of
unfiltered
water.

271.
such as—

(a) st

(b) fl

(c) e

and shal
tion may

(a) street-watering,

(b) flushing of municipal drains, public privies and urinals, gully pits and hackney-carriage stands, and

(c) extinguishing fire,

and shall also be used for such other public purposes as the Corporation may direct."

(Substituted by West Ben. Act XVII of 1965, section 6
and Schedule B.)

[No. 2, dated the 1st May, 1970.]

XXXIII of 1951.]

(Part V.—Chapter XVIII.—Water-supply.—Sections 272—274.)

(2) Unfiltered water may also be used, free of charge—

(i) for flushing privies and urinals on private premises connected with the sewers ; and

(ii) for flushing drains on private premises and for—

(a) cleansing garages, stables, cattle-sheds and sheds occupied by animals which are not kept for profit or hire, and

(b) for washing the vehicles or animals kept therein which are not kept for profit or hire.

(3) Unfiltered water shall not be used for domestic purposes, or without the written permission of the Commissioner for any purposes other than those specified in sub-sections (1) and (2)

272. A supply of filtered water for purposes other than domestic purposes shall be made upon such terms and conditions as to payment and quantity and for such period, as the Corporation may think fit :

Supply of filtered water for purposes other than domestic purposes.

¹Provided that no supply of filtered water shall be made under this section for any purpose for which a license is required under this Act, unless and until such license is produced.

273. For unauthorised use of water by a person, the Corporation may levy charges in accordance with the rate prescribed by it under sub-section (2) of section 281 whether such person is prosecuted or not. The said charges shall be in addition to any penalty to which the person offending may be liable under the provisions of this Act for such use.

Levying of charges by Corporation for unauthorised use of water.

Private supply of water to premises.

Pages 377-378—

*In section 274,—

(a) omit the words “, together with a sufficient supply of unfiltered water for flushing privies, urinals and drains within the premises, for cleansing garages,

stables, cattle-sheds and sheds within the premises which are occupied by animals not kept for profit or hire and for washing the vehicles, and animals kept therein which are not kept for profit or hire”;

(b) for the proviso, substitute the following proviso, namely:—

“Provided that in no case shall

of further
dred litres]
tion as the
gether with
ies, urinals
es, stables,
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ashing the
pt for profit

Right of occupier of connected premises to receive water in consideration of payment of the consolidated rate.

ntta Municipal

by sec. 61(a)
West Ben. Act

[West Ben. Act

(Part V.—Chapter XVIII.—Water-supply.—Sections 275, 276.)

Provided that—

(a) in no masonry building directly connected with the municipal water-supply shall the free allowance of filtered water be less than ¹[one hundred and fourteen, or more than two hundred and twenty-five litres] per head per day, calculated upon the ordinary number of inmates of the building, as determined by the Commissioner; and

(b) ²[where, under the provisions of this Chapter,] the Corporation at any time permanently discontinues the unfiltered water-supply ³[or where unfiltered water is not supplied at all], the Corporation may fix

Page 378—allowance of filtered water per as ⁴In section 275, omit the words “and unfiltered”.

(Omitted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

Power to Commissioner to allow owner or occupier of premises to lay down service pipes.

275. Subj time to time :
owning or oc [No. 2, dated the 1st May, 1970.]
from the mains of the Corporation
into the premises a supply of filtered and unfiltered water for use therein under the provisions of this Chapter.

Requisition by occupier of masonry building or owner to provide works for supply of water.

276. (1) Page 378—

the same dir such form a ⁵In sub-section (1) of section 276, omit the words “and a him, require sufficient supply of unfiltered water for the purposes specified as may be in section 271, sub-section (2)”.

(Omitted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

A copy of s [No. 2, dated the 1st May, 1970.]

(2) Every such notice shall contain all ~~the~~ ⁶part of the occupier—

(a) to pay, during the residue of his term of occupation, interest at the rate of one per cent. *per mensem*, calculated from the date of completion of the works, on the cost of all works so provided by such owner, and

(b) if the premises do not abut upon some street in which there is a supply-main, to pay in addition the cost of connecting the premises with the nearest supply-main.

¹Substituted for the words “twenty-five, or more than fifty gallons” by sec. 51(b) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words and commas were substituted for the words “if, under the provisions of this chapter,” by sec. 51 (1) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

³These words were inserted by sec. 51(2), *ibid.*

XXXIII of 1951.]

(Part V.—Chapter XVIII.—Water-supply.—Sections 277—279.)

277. If any owner upon whom a notice has been served under section 276 does not, within one month from such service, cause all necessary works, as required by the said notice, to be provided or completed, the occupier who gave the notice may cause the works to be provided or completed,

Provision or completion of works by occupier in default of owner and deduction of expenses from rent.

and may deduct from the rent payable by him to such owner the expenses incurred by him in respect of such works, except so much of such expenses as may have been incurred under the circumstances mentioned in clause (b) of sub-section (2) of section 276.

278. (1) If there is any difference between the owner and the occupier of any premises respecting the cost or the sufficiency of the water-supply thereof, either party may refer such difference to the Commissioner and the written award of the Commissioner shall be binding on such owner and occupier.

Arbitration in case of difference between owner and occupier.

(2) There shall be payable to the Corporation, by the person making a reference under sub-section (1), a fee at the rate of two rupees for every one hundred rupees of the monthly rent of the said premises :

Provided that such fee shall in no case exceed ten rupees.

279. Whenever it appears to the Commissioner that any premises are without a sufficient supply of water and that such a supply of water can be furnished from a main not more than ¹[sixty metres] distant from the nearest part of such premises, the Commissioner may, by written notice, require the owner to obtain such supply and for that purpose to lay down such pipes, hydrants, stand-posts and other fittings and execute all such other works as the Commissioner may direct :

Power to Commissioner to direct owner to obtain sufficient supply of water from nearest main.

Provided that—

(a) in any case in which the owner satisfies the Commissioner that he is too poor to bear the cost of the said works, the Corporation may pay the whole or any part of such cost from the Municipal Fund ; and

(b) if any premises in respect of which any notice is issued under this section are occupied by a person other than the owner, the occupier shall be bound, if the Corporation so directs, to make to the owner, in respect of all works executed ²[by the owner] in pursuance of such notice, the payments prescribed by clause (a), or clauses (a) and (b), as the case may be, of section 276, sub-section (2).

¹Substituted for the words "two hundred feet" by sec. 62 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were inserted by sec. 52 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

[West Ben. Act

(Part V.—Chapter XVIII.—Water-supply.—Sections 279A—281.)

Power to
direct
owner to
lay down
pipes, hy-
drants, etc.,
in certain

¹279A. When in any case not provided for in section 279, any premises are, in the opinion of the Commissioner, without a sufficient supply of water, he may, by written notice, require the owner of such premises to obtain such supply and for that purpose to lay down such pipes, hydrants, stands-posts and other fittings and execute such other works as the Commissioner may decide :

Provided that—

- (a) the cost of executing the said works beyond ²[sixty metres] from the premises shall be paid out of the Municipal Fund ;
- (b) if the Commissioner is satisfied that the owner is unable to bear the cost of even such portion of the said works as is within ³[sixty metres] of the premises or of any part of it, the Corporation may pay the whole or any part of such cost from the Municipal Fund ;
- (c) If any premises in respect of which a notice is issued under this section are occupied by a person other than the owner, the occupier shall be bound, if the Corporation so directs, to make to the owner, in respect of all works executed by the owner in pursuance of such notice, the payments prescribed by clause (a) or clauses (a) ⁴ b), as the case may

Page 380—

*Omit sub-section (2) of section 280.

(Omitted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

a direct filtered
the Corporation
ay be made by the

[No. 2, dated 1970.]

Pages 380-381—

*In section 281,—

Power to
Commissioner to
sell water
for other
than
domestic
purposes.

281.

to such
impose,
domestic
those sp.

(a) in sub-section (1),—

(i) for the words “unfiltered water for purposes other than those specified”, substitute the words “for purposes other than those referred to”;

specifying the purpose for which such supply
quantity likely to be consumed :

Provided that where, in the opinion of the Commissioner, the supply of unfiltered water might possibly lead to contamination, only filtered water shall be supplied—

¹Section 279A was inserted by sec. 53, of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1958).

²Substituted for the words “two hundred feet” by sec. 63(a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

³Substituted for the words “two hundred feet” by sec. 63(b), *ibid.*

⁴Substituted for the existing section by sec. 64, *ibid.*

XXXIII of 1951.]

(Part V.—Chapter XVIII.—Water-supply.—Sections 282, 283.)

(a) for use by persons who manufacture articles for consumption by human beings, or

(b) for cow-houses where cows are kept for the purpose of supplying milk for sale.

(2) For all water supplied under sub-section (1), payment shall be made at such rate as may be prescribed by the Corporation.

(3) When any application under sub-section (1) is received, the Commissioner may, subject to such charges or rates as may have been fixed by the Corporation, place, or allow to be placed, the necessary service-pipes, taps and works (including water-meters) of such dimensions and character as may be prescribed by the Corporation, and may arrange for the supply of water through such pipes, taps, works and meters.

¹(4) Notwithstanding anything contained in the preceding sub-section or elsewhere in this Act, the Commissioner, on receipt of information that filtered or unfiltered water is being used for purposes other than those specified in sub-section (1), may,

(ii) omit the proviso to sub-section (1);

(b) in sub-section (4), omit the words "or unfiltered".
(Substituted and omitted by West Ben. Act XVII of 1965, Commissioner may section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

under this sub-section unless the person from whom the charges are to be levied has been given an opportunity of being heard.

Supply of water to ships.

282. (1) Filtered water from public stand-posts may be used, Supply of filtered water to ships for the time being.

Page 381—

*Omit section 282.

(Omitted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

Supply every ship supply of filtered water every [thousand gallons of the State

[No. 2, dated the 1st May, 1970.]

Private connections and maintenance thereof. Water-supply

283. All private connections of premises to the municipal mains for the supply of water therein, and all pipes, taps and other fittings used for such supply, shall be made, maintained and regulated in accordance with, and subject to, the rules contained in Schedule XIII.

Rules as to private connections to premises.

¹Sub section (4) was added by sec. 54 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

²Substituted for the words "thousand gallons" by sec. 65 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVII of 1964).

[West Ben. Act

(Part V.—Chapter XVIII.—Water-supply.—Sections 284—287.)

Owner to
keep works
in repairs.

284. Except in the case of a special agreement to the contrary, the owner of any premises shall bear the expense of keeping all works connected with the supply of water thereto in substantial repair ; and, if he fails to do so, the occupier may, after giving the owner three days' notice in writing, in such form as may be prescribed by the Corporation, himself have the repairs executed and deduct the expenses thereof from any rent which is due from him to the owner in respect of such premises :

Provided that nothing in this section shall affect the liabilities of parties under leases executed or made before the first day of April, 1889.

Power to
Corporation
to take
charge of
private
connec-
tions.

285. The Corporation may, if it thinks fit, take charge of all communication-pipes and fittings of any existing private service connected with the municipal water-supply up to and including the stop-cock nearest the supply-main for the said service, and such communication-pipes and fittings shall thereafter vest in, and be maintained at the expense of, the Corporation as part of the municipal water-works.

Regulation of consumption of water, and provision of meters.

Power of
Corpora-
tion to
establish
block
meters for
the supply
of filtered
water.

286. (1) The Corporation may establish for any area in Calcutta such blocks as it may think fit in order to regulate the supply and consumption of filtered water, and shall cause each such block to be provided with a meter through which the whole supply of filtered water for such block shall pass and be recorded.

(2) Such meters shall be read at such intervals as may from time to time be fixed by the Corporation and the quantity indicated by any such meter as supplied shall be presumed to be correct until the contrary is proved.

(3) The Corporation shall from time to time determine the supply of filtered water to which any block shall be entitled, having regard to the provisions of section 274, and making the allowance for water used at street stand-posts and public bathing platforms, and for loss through leakage or otherwise, as it may deem just and fair.

(4) If the Corporation is satisfied that in any block the quantity of filtered water consumed is in excess of the quantity to the supply of which such block is entitled, it shall cause a warning notice to be served on the occupiers of all premises in the block. If, after the service of such notice, such excess consumption still continues, the Commissioner may attach meters to service-pipes of premises in which he has reason to believe that an excessive quantity of water is being consumed, and the quantity of water consumed in any such premises in excess shall be chargeable under section 290.

Prevention
of wastage
of water
and keep-
ing in order
pipes, taps,
etc.

287. (1) No owner or occupier of any premises to which water is supplied under this Chapter shall negligently or otherwise suffer such water to be wasted or shall suffer pipes, taps, works and fittings for the supply of water to remain out of repair so as to cause waste of water.

XXXIII of 1951.]

(Part V.—Chapter XVIII.—Water-supply.—Sections 288—290.)

(2) No person shall cause waste of water by the misuse of public stand-posts, public tube-wells, drinking fountains or hydrants.

288. (1) Whenever the Commissioner has reason to believe that as the result of defects in pipes, taps or fittings connected with the water-supply, the filtered water-supply to any premises is being wasted he may, by written notice, require the owner and occupier of the premises, within a period of four days after service of the notice, to repair and make good any defects in the pipes, taps or fittings connected with the water-supply, so as to put a stop to such waste.

Prevention of waste of filtered water in premises.

(2) If, after the expiration of the said period of four days, the Commissioner has reason to believe that waste still continues, he may enter upon the premises and take charge of the pipes, tubes and fittings connected with the water-supply and cause repairs to be made to them in order to stop the wastage. All expenses of such repairs shall be recovered from the owner or the occupier of the premises. After necessary repairs have been done, the Commissioner shall make over the pipes, taps and fittings to the owner or the occupier, as the case may be. The said expenses shall be recoverable as an arrear of the consolidated rate in respect of such premises.

(3) Notwithstanding anything contained in sub-section (2) if, after the expiration of the said period of four days, the Commissioner has reason to believe that waste still continues, he may cut off the supply of filtered water to the said premises.

289. (1) The Commissioner may in his discretion, provide water-meter and attach the same to the ¹[service-pipe inside any premises] connected with the municipal filtered water-supply. The Commissioner shall indicate on the premises conspicuously the fact of the attachment of a meter.

Power to Commissioner to provide water-meters.

(2) The expense of providing and attaching a meter under sub-section (1) shall be paid out of the Municipal Fund.

290. (1) When a meter has been attached to any premises, all filtered water which is shown thereby to have been supplied in excess of the free allowance to which the occupier is entitled under section 274, shall be paid for by him at the rate of one rupee for every ²[thirteen thousand and five hundred litres].

Payment by occupier for filtered water supplied in excess of statutory allowance.

(2) The Commissioner may cause the meter to be read at any time during each quarter, but as nearly as practicable at intervals of three months :

Provided that if, during any quarter, the assessment of such premises is altered, the said free allowance shall be calculated in accordance with the provisions of section 274.

¹Substituted for the words "service pipe of any premises" by s. 66 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Substituted for the words "three thousand gallons" by sec. 67, *ibid.*

[West Ben. Act

(Part V.—Chapter XVIII.—Water-supply.—Sections 291—293.)

(3) If such premises are ordinarily occupied by two or more persons holding in severalty, the owner shall be liable for water supplied in excess as prescribed by sub-section (1); but such owner shall be entitled to recover rateably from the several occupiers, according to the rent paid by each, any amount so paid.

(4) Every incoming or outgoing occupier of any metered premises shall, at least three clear days before entering into the occupation of or vacating such premises, as the case may be, cause a written notice to be served upon the Commissioner, stating the date on which he intends to occupy or vacate the premises and requiring the Commissioner to cause the meter to be read for the determination of the liability, if any, for any excess consumption of filtered water from the date of such occupation or on the date of such vacation of the premises, as the case may be.

(5) Upon receipt of such notice the Commissioner shall cause the meter to be read and furnish such occupier with a statement of such meter reading.

(6) The outgoing occupier shall ordinarily be liable to pay for any excess supplied up to the date of his vacating the premises ;

and the incoming occupier's liability for any excess consumption of filtered water shall ordinarily accrue from the commencement of his occupation :

Provided that where no written notice is delivered to the Corporation under sub-section (4), the Corporation shall be entitled to realise from such incoming occupier the full proportionate amount of the charges for excess water consumed, on the basis of the next quarterly or other reading of the meter made after the occupation of the incoming occupier, or such less amount as the Commissioner may think fit, regard being had to the number of days in any quarter during which the premises were occupied by such incoming occupier, the number of inmates during that period and the amount of free allowance to which such occupier may be entitled under section 274.

Presumption as to correctness of meters.

291. Whenever water is supplied under this Chapter through a meter, it shall be presumed that the quantity indicated by the meter has been consumed until the contrary is proved.

Rules as to meters.

292. The use, maintenance and testing of meters provided under this Chapter, and the calculation of the amount payable under section 290 in the case of the incorrectness of any such meter, shall be in accordance with, and subject to, the rules contained in Schedule XIII.

Occupier of premises to be primarily liable for certain offences relating to water-supply.

293. (1) If it be shown that an offence against any provision of this Chapter, or against any rule or by-law made under this Act relating to water-supply, has occurred in any premises connected with the municipal water-supply, it shall, subject to the provisions of sub-section (2), be presumed, unless and until the contrary is proved, that such offence has been committed by the occupier of the said premises.

XXXIII of 1951.]

(Part V.—Chapter XVIII.—Water-supply.—Section 294.)

(2) The existence of artificial means for—

- (a) altering the index to any meter provided under this Chapter for measuring filtered water, or
- (b) preventing any such meter from duly registering the quantity of water supplied, or
- (c) abstracting or using water before it has been registered by such meter,

shall, where the meter is under the custody or control of the consumer of such water, be *prima facie* evidence that the consumer has fraudulently caused such alteration, prevention, abstraction or use.

Supply of water for use beyond Calcutta.

294. (1)(a) The Corporation may at any time, on receiving an application from the municipality or cantonment concerned, direct that such quantity of filtered water *per diem* as may be determined by the Corporation shall be delivered into reservoirs or pipes placed in any municipality or cantonment which may be included in a notification published by the State Government in the *Official Gazette* in this behalf; and that for all water so delivered payment shall be made at such rate, not being less than the cost (including loan charges, allowance for depreciation of plant and other charges) to the Corporation, as may from time to time be determined by the Corporation.

Supply of filtered water to adjacent municipalities and cantonments.

(b) If payment for water thus supplied to any municipality or cantonment is not made regularly and in time, the Corporation may, after giving twelve months' notice of its intention to do so, cut off the supply with the approval of the State Government.

(2) An appeal shall lie to the State Government from any refusal by the Corporation to give a direction under sub-section (1), or from any direction given by the Corporation under that sub-section.

(3) Before deciding any such appeal, the State Government shall consider any representation made by the Corporation with reference thereto.

(4) No order made on any such appeal shall direct the delivery of water at a lower rate of payment than the cost to the Corporation.

(5) Every order made by the State Government on any such appeal shall be final.

Pages 385-386—

*Omit sub-section (6) of section 294.

(Omitted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

withstanding anything contained in sub-section (1)(a),
cantonments which were getting delivery of
ler the Calcutta
of commence-
of clause (b) of
water from the

[West Ben. Act

(Part V.—Chapter XVIII.—Water-supply.—Sections 295—298.)

Corporation constituted under this Act on the terms and conditions in force immediately before such date and such terms and conditions may be modified at any time in accordance with the provisions of this section.

Supply of water to persons residing out of Calcutta or for use without Calcutta.

295. (1) The Corporation may, in its discretion, allow any person not residing in Calcutta to take or be supplied with water on such terms as it may from time to time prescribe.

(2) No person shall, without the written permission of the Commissioner take or cause to be taken for use without Calcutta water supplied under this Chapter :

Provided that this sub-section shall not apply to water taken by travellers for use on a journey.

Supplemental provisions.

General powers of the Corporation in regard to water-mains.

296. In carrying water-mains within or without Calcutta, the Corporation shall have the same powers and be subject to the same restrictions as are provided in respect of carrying drains within or without Calcutta.

Permission of Commissioner required for construction of private streets, etc.

297. (1) Without the written permission of the Commissioner—

- (a) no private streets shall be constructed, and
- (b) no wall or other structure shall be newly erected,

over any municipal water-main.

(2) If any private street be so constructed or if any wall or other structure be so erected without such permission, the Commissioner may remove or otherwise deal with the same as he thinks fit,

and the expenses incurred in so doing shall be paid by the owner of such private street, wall or other structure or by the person offending.

Power to Commissioner to cut off or turn off supply of water to premises.

298. (1) Notwithstanding anything contained in this Chapter, the Commissioner may cut off the connection between any water-works of the Corporation and any premises to which water is supplied from such works, or may turn off such supply, in any of the following cases, namely :—

- (a) if the premises are unoccupied ;
- (b) if, after receipt of a written notice from the Commissioner requiring him to refrain from so doing, the owner or occupier of the premises continues to use the water or to permit the same to be used, in contravention of this Act or of any rule or by-law made thereunder ;

XXXIII of 1951.]

(Part V.—Chapter XVIII.—Water-supply.—Section 298.)

- (c) if the occupier of the premises contravenes section 270, sub-section (2), or section 295, sub-section (2) ;
- (d) if the occupier refuses to admit any municipal officer or servant duly authorised in that behalf into the premises for the purpose of making any inspection under this Chapter or under any rule or by-law relating to water-supply made under this Act, or prevents such municipal officer or servant from making such inspection ;
- (e) if the owner or occupier of the premises wilfully or negligently injures or damages his meter or any pipe or tap conveying water from any works of the Corporation ;
- (f) if any pipes, taps, works or fittings connected with the supply of water to the premises be found, on examination by the Commissioner, to be out of repair to such an extent as to cause so serious a waste of water that, in the opinion of the Commissioner, immediate prevention is necessary ;
- (g) if the use of the premises for human habitation has been prohibited under section 432, from the date from which the premises are to be vacated under the order of the Standing Committee dealing with health¹[(hereinafter referred to as the Standing Health Committee)] ;
- (h) if there is any water-pipe situated within the premises to which no tap or other efficient means of turning the water off is attached ; or
- (i) if by reason of a leak in the service-pipe or fitting, damage is caused to the public street and immediate prevention is necessary ;
- (j) if the occupier of the premises fails to pay in full any amount due from him for supply of water under²[section 281] :

Provided as follows :—

- (i) water supplied for flushing privies or urinals shall not be cut off or turned off except when the Commissioner thinks it necessary to cut off or turn off such water for preventing damage to or accident on public streets;

¹These words were added by sec. 55 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

²Substituted for the words "section 281, within one month of the presentation of a bill for such amount" by sec. 68(a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

[West Ben. Act

(Part V.—Chapter XVIII.—Water-supply.—Sections 299, 300.)

(ii) water shall not be cut off or turned off in any case referred to in clause (g) ¹[or clause (j)], unless written notice of not less than seventy-two hours has been given to the occupier of the premises ;

(iii) in any case referred to in clause (f) or clause (i), the Commissioner may carry out necessary repair to pipes, taps, works or fittings and recover the expenses thereof from the owner or occupier of the premises. Such expenses shall be recoverable as an arrear of the consolidated rate in respect of the premises concerned.

(2) The expense of cutting off the connection or of turning off the water and of restoring the same, as determined by the Commissioner in any case referred to in sub-section (1), shall be paid, in the case of a *bustee*, by the owner of the land contained within the *bustee*, and in any other case by the owner or occupier of the premises :

Provided that no charge for such expense shall be made in the cases mentioned in clause (a) and clause (g) of the said sub-section.

(3) No action taken under or in pursuance of this section shall be taken from any penalties or liabilities which he

Page 388—

*In section 299, omit the words "and unfiltered".

(Omitted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

supplied.

filtered water has may, by written premises which ble materials.

Laying of pipes or construction of aqueducts beyond Calcutta for bringing water into Calcutta.

300. (1) Where a plan for laying pipes or constructing aqueducts for bringing water into Calcutta from any place without Calcutta has been approved by the former Provincial Government of Bengal or West Bengal or the State Government, the Corporation may in the execution and for the purposes of the work, exercise, throughout the line of country without Calcutta through which such pipes or aqueducts are to run, all the powers which it might exercise under this Act or under any rule or by-law made thereunder if the said pipes or aqueducts were to run in Calcutta.

(2) The Magistrate of any district without Calcutta through which the said pipes or aqueducts are to run may exercise, in respect of such work, the same powers and jurisdiction as a Magistrate may, under this Act, exercise in respect of any work executed by the Corporation in Calcutta.

¹These words, letter and brackets were inserted by sec. 68(b) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

(Part V.—Chapter XIX.—Drains, privies and other receptacles for filth.—Sections 301—304.)

CHAPTER XIX.

Drains, privies and other receptacles for filth.

Proprietary rights of the Corporation in respect of drains.

301. (1) All public drains, and all drains in, alongside or under any public street, whether made at the charge of the Municipal Fund or otherwise, and all works, materials and things appertaining thereto, which are situated in Calcutta, shall vest in the Corporation.

Public drains, and drains in, alongside or under public streets, to vest in Corporation.

(2) For the purpose of enlarging, deepening or otherwise repairing or maintaining any such drain so much of the sub-soil appertaining to the drain as may be necessary for the said purposes shall also be deemed to vest in the Corporation.

302. All drains and ventilation-shafts, pipes and other appliances and fittings connected with drainage works constructed, erected or set up at the charge of the Municipal Fund in or upon premises not belonging to the Corporation, whether—

Drains, etc., constructed, etc., at charge of Municipal Fund on private premises to vest in Corporation.

(a) before or after the commencement of this Act, and

(b) for the use of the owner or occupier of such premises or not,

shall, unless the Corporation has otherwise determined, or does at any time otherwise determine, vest and be deemed always to have vested in the Corporation.

Duties of the Corporation in respect of maintenance and construction of drains.

303. The Corporation shall keep all municipal drains in repair, and shall cause to be made such drains as may be necessary for effectually draining Calcutta.

Repair and provision of municipal drains by Corporation.

304. (1) The Corporation shall provide a safe and sufficient outfall, in or without Calcutta, for the proper discharge of the storm-water and sewage of Calcutta in such manner as not to cause any nuisance, whether by flooding any part of Calcutta or of the country surrounding the outfall or in any other way.

Provision by Corporation for outfall for discharge of storm-water and sewage.

(2) The plans of such outfall and the method of disposing of sewage shall be subject to the sanction of the State Government, who may from time to time direct such alterations to be made as it may consider necessary.

[West Ben. Act

(Part V.—Chapter XIX.—Drains, privies and other receptacles for filth.—Sections 309—311.)

(2) The Magistrate of any district without Calcutta, through which the said drains are to run, may exercise, in respect of the said work, the same powers and jurisdiction as a Magistrate may, under this Act, exercise in respect of any work executed by the Corporation entirely in Calcutta.

Drainage of premises.

Right of owner or occupier of premises to empty his house-drain into municipal drain.

309. The owner or occupier of any premises shall be entitled to cause his house-drain to empty into a municipal drain, provided that, before doing so, he—

- (a) obtains the written permission of the Commissioner in accordance with the provisions of Schedule XIV, and
- (b) complies with such conditions as the Commissioner may prescribe as to the mode in which, and the superintendence under which, communications between house-drains and municipal drains are to be made.

Connection with municipal drains not to be made except in conformity with section 309.

310. (1) No person shall, without complying with the provisions of section 309 make, or cause to be made, any connection of a house-drain with a municipal drain.

(2) The Commissioner may in accordance with such rules as may be made by the Corporation close, demolish, alter or remake any such connection made in contravention of sub-section (1) ;

and the expenses incurred in so doing shall, in accordance with such rules as may be made by the Corporation be paid by the owner or occupier of the premises for the benefit of which such connection was made, or by the person offending.

Compulsory connection of house-drains with each other.

311. When a house-drain belonging to one or more persons has been laid in any private street which is common to more than one premises, and the Commissioner considers it desirable that any other premises should be drained into such drain,

he may, by written notice, require the owner of such premises to connect his house-drain with such first-mentioned drain ;

and the owners of such first-mentioned drain shall thereupon be bound to permit such connection to be made :

Provided that no such connection shall be made—

- (a) except upon such terms as may be prescribed by the Corporation, and
- (b) until any payment which may be directed by the Commissioner in accordance with such rules as may be made by the Corporation has been duly made.

XXXIII of 1951.]

(Part V.—Chapter XIX.—Drains, privies and other receptacles for filth.—Sections 312, 313.)

312. (1) If it appears to the Commissioner that any group or block of premises may be drained more economically or advantageously in combination than separately,

and a municipal sewer of sufficient size already exists or is about to be constructed within ¹[sixty metres] of any part of such group or block of premises,

the Commissioner may cause such group or block of premises to be drained by a combined operation.

(2) The expenses incurred in carrying out any work under sub-section (1) in respect of any group or block of premises shall be paid by the owners of such premises in such proportions as the Commissioner may think fit.

(3) Not less than fifteen days before any such work is commenced, the Commissioner shall give to each such owner—

- (a) written notice of the nature of the proposed work, and
- (b) an estimate of the expenses to be incurred in respect thereof and of the proportion of such expenses payable by him.

(4) The Commissioner may require the owners of such group or block of premises to maintain the work executed under this section.

313. When any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage, and a municipal drain or some place approved by the Corporation for the discharge of drainage is situated at a distance not exceeding ²[sixty metres] from any part of the said premises, he may, by written notice, require the owner of the said premises—

- (a) to make a house-drain emptying into such municipal drain or place ;
- (b) to provide and set up all such appliances and fittings as may appear to the Commissioner necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said premises and of effectually flushing such house-drain and every fixture connected therewith ; or
- (c) to remove any existing house-drain, or other appliance or thing used or intended to be used for drainage, which is injurious to health.

Power to drain group or block of premises by a combined operation.

Power to enforce drainage of undrained premises situate within sixty metres of a municipal drain.

¹Substituted for the words "two hundred feet" by sec. 69 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Substituted for the words "two hundred feet" by sec. 70 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

[West Ben. Act

(Part V.—Chapter XIX.—Drains, privies and other receptacles for filth.—Sections 314, 315.)

Power to
enforce
drainage of
undrained
premises
in other
cases.

314. When in any case not provided for in section 313 any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage, he may, by written notice, require the owner of such premises to make a house-drain communicating with the nearest municipal drain :

Provided as follows :—

- (a)¹ * * * * * the full cost of constructing the portion of the house-drain beyond ²[sixty metres] from the premises, shall be paid out of the Municipal Fund ; and
- (b) if, in the opinion of the Commissioner there is no municipal drain within a reasonable distance of such premises, he may, by written notice, require the owner of the premises to construct—
- (i) a closed cesspool of such material, size and description, and in such position, as he may prescribe, and
- (ii) a house-drain communicating with such closed cesspool.

Power to
Commis-
sioner to
close or
limit
the use of
house-
drains
in certain
cases.

315. When a house-drain connecting any premises with a municipal drain is sufficient for the effectual drainage of such premises and is otherwise unobjectionable, but is not, in the opinion of the Commissioner, adapted to the general drainage system of Calcutta, he may, by written notice addressed to the owner of the premises, direct—

- (a) that such house-drain be closed, discontinued or destroyed and that any work necessary for that purpose be done ; or
- (b) that such house-drain shall, from such date as he may prescribe in this behalf, be used for sewage, offensive matter and polluted water only or for rain-water and unpolluted sub-soil water only :

Provided as follows :—

- (i) no house-drain may be closed, discontinued or destroyed by the Commissioner under clause (a) except on condition of his providing another house-drain equally effectual for the drainage of the premises and communicating with any municipal drain which he thinks fit ; and

¹The words "one-half the cost of constructing the portion of the house-drain beyond one hundred feet and up to two hundred feet from the premises and" were omitted by sec. 59 of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1958).

²Substituted for the words "two hundred feet" by sec. 71 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

(Part V.—Chapter XIX.—Drains, privies and other receptacles for filth.—Sections 316—318.)

- (ii) the expenses of the construction of any drain so provided by the Corporation and of any work done under clause (a) may be paid out of the Municipal Fund.

316. (1) Whenever it is provided in this Chapter that steps shall or may be taken for the effectual drainage of any premises, the ²[Commissioner] may, by written notice, require the owner to construct—

Power to ¹[Commissioner] to require that sewage and rain-water drains be distinct in any premises.

- (a) one house-drain for sewage, offensive matter and polluted water, and
(b) another and entirely separate house drain for rain-water or unpolluted sub-soil water, or for both rain-water and unpolluted sub-soil water,

each emptying into separate municipal drains or other suitable places.

(2) Any requisition made by the ³[Commissioner] under sub-section (1) may comprise any detail specified in clause (b) of section 313.

317. For the purpose of efficiently draining any land or building, the Commissioner may, by written notice, require the owner of any court-yard, alley, passage or open space—

Power to Commissioner to require paving, maintaining and raising level of courtyard, etc.

- (a) to pave the same with such material and in such manner as may be approved of by the Commissioner and to keep such paving in proper repair, or
(b) to raise the level of such court-yard, alley, passage or open space.

318. (1) The Commissioner may prescribe such drains for the drainage of huts as the circumstances of the locality and the position of the nearest municipal drain may render practicable.

Drains for huts.

(2) If the Commissioner considers that a new drain should be constructed for the benefit of the occupants of any hut, he may, by written notice, require the owner of the land on which such hut stands to construct such drain ;

and such owner shall construct such drain, and shall maintain and from time to time cleanse and repair it, to the satisfaction of the Commissioner.

¹Substituted for the word "Corporation" in the marginal note by sec. 72(a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Substituted for the word "Corporation" by sec. 72(b), *ibid.*

³Substituted for the word "Corporation" by sec. 72(c), *ibid.*

[West Ben. Act

(Part V.—Chapter XIV.—Drains, privies and other receptacles for filth.—Sections 325—327.)

sufficient to admit of the same being used by all the persons occupying all the said premises, direct that separate privy or urinal accommodation need not be provided on or for such other premises :

Provided also that the Commissioner may, if he is of opinion that there is sufficient public latrine accommodation available for the persons occupying the premises, direct that separate privy or urinal accommodation need not be provided for such premises.

Power to Corporation to require provision of privies and urinals for premises used as a market, etc.

Rules for construction, etc., of privies and urinals.

Cost of repair of privy payable out of Municipal Fund in certain cases.

325. If it appears to the Commissioner that any premises are, or are intended to be, used as a market, railway-station, dock, wharf or other place of public resort, or as a place for the employment of persons exceeding twenty in number in any manufacture, trade or business, or as workmen or labourers, he may, by written notice, require the owner of such premises to provide such service or connected privies and urinal for the separate use of persons of each sex as he may direct.

326. Privies and urinals, and all appurtenances thereof, shall be constructed, maintained, repaired, altered, and regulated in accordance with—

(a) the rules contained in Schedule XIV and any by-laws made under this Act relating to privies and urinals and the appurtenances thereof, and

(b) requisitions made under such rules and by-laws.

327. (1) If, within three years after any privy ded or altered with the sanction or on the req municipal authority ¹* * * * under this Act, is made by the Corporation or the Commission may be,] for the rebuilding or alteration of su expenses of such rebuilding or alteration shall be p Municipal Fund.

(2) When any notice has been issued under sec Schedule XIV in respect of any privy, urinal or groi or urinals and the Commissioner is satisfied that ti the land or building on or in which any such privy situated is from poverty unable to pay the whole or expenses of carrying out the work required by the with the previous approval of the Standing Finan direct that such expenses, or such portion thereo fit, be paid out of the Municipal Fund.

¹The words "under the Calcutta Municipal Act, 1923 by sec. 74 of the Calcutta Municipal (Second Amendmen Ben. Act XVIII of 1964).

²These words were substituted for the words "a requia Corporation or the Commissioner, as the case may be" by se Municipal (Amendment) Act, 1952 (West Ben. Act VIII of 1

Page 398—
* In sub-section (1) of section 327, for the words "under this Act", substitute the words and figures "under the Calcutta Municipal Act, 1923, as in force in the municipality of Howrah or under the Bengal Municipal Act, 1932, or under this Act".

(Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

XXXIII of 1951.]

(Part V.—Chapter XIX.—Drains, privies and other receptacles for filth.—Sections 328—330.)

Inspection of drains, house-gullies, privies, urinals and bathing and washing places.

328. All house-drains, ventilation-shafts and pipes, cess-pools, house-gullies, privies, urinals, and bathing and washing places which do not belong to the Corporation, or which have been constructed, erected or set up at the charge of the Municipal Fund on premises not belonging to it, for the use or benefit of the owner or occupier of the said premises, shall be open to inspection and examination by the Commissioner.

House-drains, etc., not belonging to the Corporation to be subject to inspection and examination.

329. For the purpose of any inspection and examination under section 328, the Commissioner may cause the ground or any portion of any house-drain or other work exterior to a building, or any portion of building which he may think fit, to be opened, broken up or removed :

Power to Commissioner to open ground, etc., for purposes of such inspection and examination.

Provided that in the prosecution of any such inspection and examination as little damage as possible shall be done.

330. (1) If, upon any inspection and examination under section 328, it is found that the house-drain, ventilation-shaft or pipe, cesspool, house-gully, privy, urinal or bathing or washing place examined is in proper order and condition, and that none of the provisions of this Chapter or of Schedule XIV, or of any by-law made under this Act has been contravened in respect of the construction or maintenance thereof, and that no encroachment has been made thereupon, the ground or the portion of any building, house-drain or other work (if any) opened, broken up or removed, for the purpose of such inspection and examination shall be filled in, reinstated and made good by the Corporation.

Expenses of inspection and examination by whom to be paid.

(2) If, in figures "under the Calcutta Municipal Act, 1923, or under this Act", substitute the words and figures "under the Calcutta Municipal Act, 1923, as in force in the municipality of Howrah or under the Bengal Municipal Act, 1932, or under this Act".

(Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

Ben. Act
III of 1928.

[No. 2, dated the 1st May, 1970.]

the expenses of the inspection and examination shall, if the Commissioner, in accordance with such rules as may be made by the Corporation, so directs, be paid by the owner of the premises, and the said owner shall at his own cost fill in, reinstate and make good the ground, or the portion of any building, house-drain or other work opened, broken up or removed for the purpose of such inspection and examination :

[West Ben. Act

(Part V.—Chapter XIX.—Drains, privies and other receptacles for filth.—Sections 331, 332.)

Provided that the amount recoverable as the expenses of such inspection and examination shall not in any case exceed thirty rupees.

Power to Commissioner to require repairs, etc., to be made.

331. (1) When the result of any inspection and examination under this Chapter is as described in section 330, sub-section (2), the Commissioner may, by written notice, require the owner of the premises in which the house-drain, ventilation-shaft or pipe, cesspool, house-gully, privy, urinal, or bathing or washing place referred to in the said sub-section is situate—

- (a) to close or remove the same or any encroachment thereupon ; or
- (b) to renew, repair, cover, re-cover, trap, ventilate, pave and pitch, flush, cleanse or take such other action as the Commissioner may think fit to direct and to fill in, re-instate and make good the ground or the portion of any building, house-drain or other work opened, broken up or removed for the purpose of the said inspection and examination.

(2) In any such case the Commissioner may, forthwith and without notice, stop up or demolish any house-drain by which sewage, offensive matter or polluted water is carried through, from, into or upon any premises in contravention of any of the provisions of this Chapter or of Schedule XIV, or of any by-law made under this Act ;

and may also, forthwith and without notice, clear, cleanse or open out any house-drain which is choked, blocked or in any way obstructed ;

and all expenses incurred by the Corporation in so doing shall, in its discretion, be paid by the owner or the occupier of the premises.

Position of cesspools and other filth receptacles.

Position of cesspools.

332. (1) No person shall construct a cesspool—

- (a) beneath any part of any building, or within ¹[fifteen metres] any tank, reservoir, water-course or well ; or
- (b) upon any site or in any position in Calcutta which has not been approved in writing by the Commissioner ;

¹Substituted for the words "fifty feet" by sec 75(a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

(Part V.—Chapter XIX.—Drains, privies and other receptacles for filth.—Sections 333, 334.)

(c) upon any site or in any position without Calcutta, which has not been so approved and is situated within ¹[ninety metres] of any reservoir used for the storage of filtered water to be supplied to Calcutta.

(2) The Commissioner may at any time, by written notice, require any person within whose premises any cesspool is constructed in contravention of sub-section (1), to remove such cesspool or to fill it up with such materials as may be approved by him.

333. (1) No person shall construct any house-drain, service-privy, urinal or other receptacle for sewage or offensive matter, not being a cesspool, within ²[fifteen metres] of any tank, well or water-course or any reservoir for the storage of water, unless he first satisfies the Commissioner that he will take such action as will prevent any risk of sewage or offensive matter passing by percolation or otherwise into such tank, well, water-course or reservoir.

No filth receptacle to be situated within fifteen metres of tank, well, water-course or reservoir.

(2) The Commissioner may, at any time, by written notice, require any person within whose premises there is situated, within ³[fifteen metres] of any tank, well, water-course, or reservoir for the storage of water, any receptacle mentioned or referred to in sub-section (1), to remove such receptacle.

(3) This section shall also apply to any such receptacle, without Calcutta, which is constructed or situated within ⁴[fifteen metres] of any reservoir used for the storage of filtered water to be supplied to Calcutta.

334. (1) Subject to such rules as may be made by the Corporation, the Commissioner may permit in any unsewered area the construction of septic tanks and sanitary privies and urinals connected with such septic tanks. The provisions of section 333 shall apply to the construction of such septic tanks :

Construction of septic tanks and sanitary privies and urinals.

Provided that no such permission shall be granted unless there is sufficient open space available for the site of such septic tank.

(2) Before granting any permission under sub-section (1) the Commissioner shall require the applicant ⁵[to submit a scheme ensuring] adequate water-supply and overhead storing

¹Substituted for the words "three hundred feet" by sec. 76(b) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Substituted for the words "fifty feet" by sec. 76(1), *ibid.*

³Substituted for the words "fifty feet" by sec. 76(b), *ibid.*

⁴Substituted for the words "fifty feet" by sec. 76(c), *ibid.*

⁵These words were substituted for the words "to provide" by sec. 61(1) (a) of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1958).

[West Ben. Act

(Part V.—Chapter XIX.—Drains, privies and other receptacles for filth.—Sections 335—337.)

reservoir to flush the proposed privies and urinals ¹[and to have the scheme approved by the Commissioner,] and ²[no septic tanks or sanitary privies or urinals constructed under this section shall be issued unless such scheme is executed] to the satisfaction of the Commissioner.

(3) Where septic tanks and sanitary privies and urinals are constructed ³[and lawfully used] as aforesaid in any premises in any unsewered area, the Corporation shall allow a rebate of eight and one-third *per cent.* on the consolidated rate on such premises for so long as the area remains unsewered.

General powers and duties of the Corporation.

Power to the Commissioner to affix shafts or pipes for ventilation of drain or

335. For the purpose of ventilating any drain or cesspool, whether vested in the Corporation or not, the Commissioner may in accordance with such rules as may be made by the Corporation erect upon any premises or affix to the outside of any building, or to any tree, any such shaft or pipe as may appear to him to be necessary.

Power to the Commissioner to execute work when municipal drains, etc., affected.

336. When a notice has been issued under this Chapter or Schedule XIV, requiring any person to construct or alter a drain, the Commissioner may himself cause to be constructed or altered so much of the drain as runs through, over or under any municipal drain, public aqueduct or public street, and the expenses thereby incurred shall be paid by the owner of the drain.

Power to the Commissioner to provide new drains, etc., in executing work.

337. (1) In executing any drainage-works under this Chapter, the Commissioner shall, in accordance with such rules as may be made by the Corporation, provide and make, out of the Municipal Fund, a sufficient number of convenient ways, water-courses and drains in substitution for any that may be interrupted, injured or rendered useless by reason of the execution of such works ;

and, if any difference arises between the Commissioner and the persons affected, the same shall be settled by the Court of Small Causes having jurisdiction in the place where such works are executed, on application to be made to it for this purpose.

(2) The decision of the said Court of Small Causes shall,

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*In sub-section (2) of section 337, for the words and figures "section 6 of the Presidency Small Cause Courts Act, 1882, or section 25 of the Provincial Small Cause Courts Act, 1887, as the case may be," substitute the words "section 25 of the Provincial Small Cause Courts Act, 1887,"

(Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

Municipal
shall be
id.

XV of
1882.
IX of 1887.

[No. 2, dated the 1st May, 1970.]

XXXIII of 1951.]

(Part V.—Chapter XIX.—Drains, privies and other receptacles for filth.—Sections 338—341.)

338. Subject to the provisions of this Chapter and of Schedule XIV—

- (a) all house-drains, as well within as without the premises to which they belong, all cesspools and all privies and urinals shall, as regards their site, construction, materials and dimensions and the arrangements for flushing the same, be under the survey and control of the Corporation, and
- (b) the Commissioner may, by written notice, require the owner of any premises in which any house-drain, cesspool, privy or urinal is situated, to alter, prove, repair or ventilate the same or to keep it in such a state of repair as to admit of its being sufficiently cleaned, or to supply it with water, or connect it with a sewer, or stop up or demolish it.

General power to the Commissioner in respect of house-drains, cesspools, privies and urinals.

339. When under the provisions of this Chapter or of Schedule XIV, the Corporation or the Commissioner may require the owner of any premises to carry out any work, it or he may if it or he considers it desirable so to do, require the occupier of the said premises to carry out such work, and the occupier shall be bound to comply with the requisition :

Power to the Corporation or Commissioner to require occupier to carry out work in place of owner.

Provided that, except in the case of a special agreement to the contrary, such occupier may deduct the amount of the expenses reasonably incurred or paid by him in respect of such work from the rent payable to the owner, or may recover the same from him in any court of competent jurisdiction.

340. (1) When, under the provisions of this Chapter or of Schedule XIV, any person may be required or is liable to execute any work, the Commissioner may, in accordance with such rules as may be made by the Corporation if it appears to him to be expedient and necessary so to do, cause such work to be executed, after giving such person an opportunity of executing the same within forty-eight hours of the receipt of a notice to this effect.

Power to the Commissioner to execute work after giving person liable notice.

(2) The expenses of any work so executed shall be payable of the said person, unless the Commissioner with the approval of the Standing Finance Committee directs the payment of such expenses out of the Municipal Fund.

General prohibitions.

341. No person shall—

- (a) in contravention of any of the provisions of this Chapter or of Schedule XIV, or of any notice issued or direction given thereunder, or without the written permission of the Commissioner,

Prohibition of certain acts.

[West Ben. Act

(Part V.—Chapter XX.—Licensed Plumbers.—Section 342.)

- in any way alter the fixing, disposition or position of, or construct, erect, set up, renew, rebuild, remove, obstruct, stop up, destroy or change,
- any drain, ventilation-shaft or pipe, cesspool, privy, urinal, or bathing or washing place or any trap, covering or other fitting or appliance connected therewith ; or
- (b) without the written permission of the Commissioner renew, rebuild or unstop any drain, ventilation-shaft, or pipe, cesspool, privy, urinal or bathing or washing place or any fitting or appliance, which has been or has been ordered to be discontinued, demolished or stopped up under any of the said provisions ; or
- (c) without the written permission of the Commissioner make any encroachment upon, ¹[or in any way injure] or cause or permit to be injured any drain, cesspool, house-gully, privy, urinal, or bathing or washing place ; or
- (d) drop, pass or place, or cause or permit to be dropped, passed or placed, into or in any drain, any brick, stone, earth or ashes, or any substance or matter, by which or by reason of the amount of which such drain is likely to be obstructed ; or
- (e) pass, or permit or cause to be passed, into any drain provided for a particular purpose any matter or liquid for the conveyance of which such drain was not provided ; or
- (f) cause or suffer to be discharged into any drain from any factory, bakehouse, distillery, workshop or work-place or from any building or place in which steam, water or mechanical power is employed, any hot water, steam or fumes, or trade effluents or any liquid which would prejudicially affect the drain or the disposal by sale or otherwise, of the sewage conveyed along the drain, or which would, from its temperature or otherwise, be likely to create a nuisance.

CHAPTER XX.

Licensed Plumbers.

Power to
Corpora-
tion to
license
plumbers.

342. (1) The Corporation may from time to time grant to any person it thinks fit a license to act as a plumber for the purposes of Chapter XVIII or Chapter XIX.

(2) Every such licence shall be for a renewable period of three years.

¹These words were substituted for the words "or in way injure" by sec. 10 of the Calcutta Municipal (Amendment) Act, 1952 (West Ben. Act VIII of 1952).

XXXIII of 1951.]

(Part V.—Chapter XX.—Licensed Plumbers.—Sections 343—345.)

343. The Corporation may make rules for the guidance of licensed plumbers, and a copy of all such rules, for the time being in force, shall be written on the back of every license granted under section 342.

Rules for guidance of plumbers.

344. A plumber holding a license for the purposes of Chapter XIX—

Powers and duties of plumber licensed for drainage works.

- (a) may prepare, for the approval of the Commissioner, plans and estimates for the drainage of premises ;
- (b) may, with the sanction of the Commissioner, carry out drainage works in accordance with this Act and the rules or by-laws made thereunder ;
- (c) shall furnish the Commissioner with plans of all drainage works carried out under clause (b) ;
- (d) may carry out any necessary repairs to municipal drainage works ;
- (e) may, when the owner or occupier of any premises has failed to comply with a notice requiring such owner or occupier to provide for the effectual drainage of such premises and if so directed by an order from the Commissioner, carry out such works as may be necessary for the effectual drainage of the said premises ; and
- (f) shall, when any works have been executed under clause (e), furnish the Commissioner with plans of the same and with a statement of the cost of such works.

345. (1) No person other than a licensed plumber shall—

Prohibition of work by other than licensed plumber.

- (a) execute any work in connection with the laying on of water from any mains of the Corporation to any land or building, or in connection with the extension of such mains or the supply or alteration of any fittings after water has been so laid on, or
- (b) make any underground drain communicating with the public sewers, or
- (c) do any work in connection with such drain.

(2) No owner or occupier of any land or building shall cause or allow any work referred to in sub-section (1) to be executed by any person other than a licensed plumber, and such work shall be liable to be dismantled at the discretion of the Commissioner without prejudice to the right of the Corporation to prosecute under this Act the owner or occupier, as the case may be.

[West Ben. Act

(Part V.—Chapter XX.—Licensed Plumbers.—Sections 346—348.
—Chapter XXI.—Streets and Public Places.—Section 349.)

Power to
Corpora-
tion to
prescribe
remunera-
tion of
licensed
plumbers.

346. (1) The Corporation may from time to time prescribe the charges to be paid to licensed plumbers for any work done by them under or for any of the purposes of Chapter XVIII or Chapter XIX.

(2) No licensed plumber shall, for any work referred to in sub-section (1), demand or receive more than the charge prescribed therefor under that sub-section.

Control
over
licensed
plumbers
and their
works and
charges.

347. The Corporation shall provide for—

(a) the exercise of an adequate control over all licensed plumbers ;

(b) the inspection of all work carried out by them ; and

(c) the hearing and disposal of complaints made by owners or occupiers of premises with regard to the quality of the work done by, the materials used by, and delay in the execution of the work by, or the charges made by, licensed plumbers.

Prohibi-
tions and
suspension
or cancella-
tion of
license.

348. (1) No licensed plumber shall infringe any of the rules made under section 343, or execute carelessly or negligently any work under this Act or under any rules or by-laws made thereunder, or make use of bad materials, appliances or fittings.

(2) If any licensed plumber contravenes sub-section (1), his license may be suspended or cancelled whether he be prosecuted under this Act or not.

CHAPTER XXI.

STREETS AND PUBLIC PLACES.

Proprietary rights of the Corporation.
Page 406—

Public
streets and
squares
vested in
the Corpo-
ration
and power
to the
Corpora-
tion to
name such
streets and
squares.

349. (1) of and kept for the Port ment of C drains, foot streets and other things situated in

(2) The name by w

*In sub-section (1) of section 349,—

(a) for the words "or the Board of Trustees for the Improvement of Calcutta", substitute the words "the Board of Trustees for the Improvement of Calcutta or the Board of Trustees for the Improvement of Howrah";

(b) for the words "situated in Calcutta", substitute the words "situated in Howrah".

(Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

XXXIII of 1951.]

(Part V.—Chapter XXI.—Streets and Public Places.—Sections 350—353).

Maintenance, repair, protection and regulation of streets and public places.

350. The Corporation shall cause the public streets vested in it to be maintained and repaired, and for those purposes may do all things necessary for the public safety or convenience, including the construction and maintenance of bridges, causeways and culverts.

Maintenance and repair of public streets by Corporation.

351. The Corporation shall, so far as it may consider it necessary to do so for the public convenience, cause such public streets, squares and gardens, as it may from time to time determine, to be watered, oiled or otherwise treated in a suitable manner, and take all necessary steps for that purpose.

Watering etc., of public streets, squares and gardens.

352. Streets and public places shall be maintained, repaired, protected and otherwise regulated in accordance with the rules contained in Schedule XV.

Rules for maintaining, repairing, etc., streets and public places.

353. (1) When any verandah, platform ¹[,building or other] structure or any fixture attached to a building so as to form part of the building, whether erected before or after the commencement of this Act, causes a projection, encroachment or obstruction over or on any public street or any land vested in the Corporation, the Commissioner, in accordance with such rules as may be made by the Corporation, may, by written notice, require the owner or occupier of the building to remove or alter such structure or fixture.

Power to Corporation to remove or alter verandah, etc., or fixtures attached to building which project, etc., over public street or land.

(2) If the expense of removing or altering any such structure or fixture is paid by the occupier of the building, in any case in which the same was not erected by himself, he shall be entitled to deduct any reasonable expense incurred for the purposes of such removal or alteration from the rent payable by him to the owner of the building.

(3) If the owner or occupier of the building proves that any such structure or fixture was erected before the first day of June, 1863, or that it was erected on or after that day with the consent of any authority duly empowered for the time being in this behalf, the requisition made under sub-section (1) shall not be enforced except in pursuance of a resolution of the Corporation made in that behalf and the Corporation shall after such structure or fixture has been removed or altered, make reasonable compensation to every person who suffers damage by the removal or alteration thereof.

¹These words were substituted for the words "or other similar" by sec. 62 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

[West Ben. Act

*(Part V.—Chapter XXI.—Streets and Public Places.—
Sections 354, 355.)*

Power to
Corpora-
tion to
cause wall
to be
removed or
to remove
other
obstruc-
tions in
public
street.

354. (1) The Corporation may, after giving notice to him, require any person to remove any wall and may of its own motion remove any fence, rail, post, platform, steps or other obstruction, projection or encroachment (not being a portion of a building or fixture referred to in section 353) which has been erected or set up, and any materials or goods which have been deposited, in a public street or in or over any drain or aqueduct in a public street whether the offender be prosecuted under this Act or not ;

and the offender shall be liable for the payment of the expense of such removal.

The materials and goods so removed may be stored at such place or places as the Corporation may think fit. If within seven days of such removal no person claiming the return of such materials and goods to him establishes his claim thereto and pays up the expenses incurred by the Corporation for removal and storage, the Corporation shall have the power to sell the same by public auction and recover the expenses incurred including the expenses of such auction from the proceeds of the sale.

(2) When under sub-section (1), the Commissioner causes any wall to be removed or removes any other obstruction, projection or encroachment from land which forms part of a public street, no compensation shall be payable, but the Corporation shall be bound to provide proper means of access to and from the street if none exists already.

Execution of works in streets.

Provision
of faci-
lities and
payment
of com-
pensation,
when work
executed
by Corpo-
ration in
public
street.

355. (1) When any work is being executed by the Corporation in any public street, it shall, so far as may reasonably be practicable, make adequate provision for—

- (a) the passage or diversion of traffic ;
- (b) proper access to all premises approached from such street ; and
- (c) any drainage, water-supply, or means of lighting which are interrupted by reason of the execution of such work.

(2) The Corporation shall pay compensation to any person, who sustains special damage by reason of the execution of any such work.

XXXIII of 1951.]

(Part V.—Chapter XXI.—Streets and Public Places.—
Sections 356, 357).

Building-lines and street alignments for public streets.

356. (1) If the Corporation considers it expedient to prescribe for any public street a building-line or a street alignment, or both a building-line and a street alignment, it shall give public notice of its intention to do so :

Power to Corporation to prescribe building-line and street alignment.

Provided that no building-line shall ordinarily be prescribed for any street laid out and made before the commencement of this Act.

(2) Every such notice shall specify a period within which objections will be received ; and a copy of the notice shall be sent by post to every owner of premises abutting on such street who is registered in respect of such premises in the books of the municipality :

Provided that an accidental failure or omission to serve such notice on any owner shall not invalidate proceedings under this section.

(3) The Corporation shall consider all objections received within the said period ¹ * * * and may then make an order prescribing a building-line or a street alignment, or both a building-line and a street alignment for such public street.

A register or book with plans attached shall be kept by the Corporation showing all public streets in respect of which a building-line or street alignment has been prescribed, and such register shall contain such particulars as to the Commissioner may appear to be necessary and shall be open to inspection by any person upon payment of such fee as may from time to time be prescribed by the Corporation.

(4) A building-line shall not be prescribed so as to extend further back than the main front wall of any building (other than a boundary wall) abutting on the street at its widest part.

(5) Every order made under sub-section (3) shall be published in the *Official Gazettee* and shall take effect from the date of such publication.

357. (1) The Corporation may, if it considers expedient, cancel a building-line or a street alignment after ten years from the date of the order prescribing such building-line or street alignment **Page 409—** ² * * * under section 356 or under the provisions of section (2) of this Act.

Cancellation of building-line or street

³ In sub-section (1) of section 357, after the words and figures "provisions of the Calcutta Municipal Act, 1923, or the Calcutta Municipal Act, 1899," insert the words and figures "as in force in the municipality of Howrah, or under the provisions of the Bengal Municipal Act, 1932,".

(Inserted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

³ These words were substituted for the word "within" by sec. 58(4), 1972.

Ben. Act
III of 1923.
Ben. Act
III of
1899,

¹ The word
period as in
Municipal (1)
² These
pal (Amend

[West Ben. Act

(Part V.—Chapter XXI.—Streets and Public Places.—
Sections 358,359.)

(2) Where an order prescribing a building-line or a street alignment is in force for twenty-five years or more at the commencement of this Act, the Corporation shall, if circumstances permit, endeavour to complete, within five years from such commencement, the object for which the building-line or the street alignment was prescribed and in case the object is not completed within such period of five years, the building-line or the street alignment shall be deemed to be cancelled on the expiry of such period of five years.

(3) No person affected by the cancellation of a street alignment or a building-line shall be entitled to claim any compensation for such cancellation.

(4) Sub-section (1) or sub-section (2), as the case may be, shall not apply in respect of so much of any street alignment or so much of any building-line (if any) in the rear thereof, as relates to any land acquired by the Corporation within the relevant period mentioned in such sub-section.

Restric-
tions on
erection of,
or addition
to, any
building or
boundary
wall within
street
alignment
and
building-
line.

¹358. (1) No person shall erect or add to—

- (a) any building or part of a building or any boundary wall or part of a boundary wall within a street alignment ; or
- (b) any building or part of a building between a street alignment and a building-line.

(2) Notwithstanding anything contained in sub-section (1), the ²[Commissioner] may allow footing encroachments—

- (a) within a street alignment, or
- (b) between a street alignment and a building-line :

Provided that in cases coming under clause (a), no footing encroachment shall be allowed except on payment of such fee as may be prescribed by the Corporation by rules.

Power to
Corpora-
tion to take
possession
of, and
add to
street, land
situated
within
prescribed
street align-
ment or
covered by
projecting
buildings.

359. (1) The Corporation may at any time, after giving notice to the owner of the land of its intention, take possession of—

- (a) any land (abutting on a public street) upon which any portion of any building or wall, projecting beyond the front of the adjoining building or wall, on either side of such first-mentioned building or wall, has collapsed or been demolished or burnt down, and

¹Section 358 was substituted for the original section by sec. 64 of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1958).

²Substituted for the word "Corporation" by sec. 78 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

*(Part V.—Chapter XXI.—Streets and Public Places.—
Sections 360, 361.)*

- (b) any land not covered by buildings (including land on which a building has collapsed or been demolished or burnt down) which is situated within a street alignment prescribed under section 356,

after making full compensation to the owner thereof for any direct damage which he may sustain thereby and shall take possession of any land as specified in clause (b) if the owner thereof calls upon it to do so.

(2) Any land taken possession of under sub-section (1) shall forthwith be added to and become part of the said street, and shall vest in the Corporation.

Explanation.—The expression “direct damage”, as used in sub-section (1) with reference to land, means the market-value of the land taken and the depreciation, if any, in the ordinary market-value of the rest of the land resulting from the area being reduced in size ; but does not include damage due to any particular use to which the owner may allege that he intended to put the land although such use may be injuriously affected by the reduction of the site.

360. The Corporation may, upon such terms as it thinks fit, allow any building or wall to be set forward for the purpose of improving the line of a public street.

Power to Corporation to set buildings forward to improve line of public street.

Opening, improvement and closing of public streets, squares and gardens.

361. The Corporation may—

- (a) lay out and make new streets, squares and gardens ;
- (b) construct new bridges, causeways, culverts and sub-ways ;
- (c) turn, divert, or temporarily or permanently close any public street or part thereof, or permanently close any public square or garden ; and
- (d) widen, open, enlarge, or otherwise improve any public street, square or garden :

Power to Corporation to make, improve and close streets, squares and gardens.

¹Provided that no public square or garden or part thereof shall be permanently closed except in accordance with a resolu-

¹This proviso was added by sec 65 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

[West Ben. Act

(Part V.—Chapter XXI.—Streets and Public Places.—
Sections 361A—363.)

tion carried at a meeting of the Corporation by a majority of not less than two-thirds of the total number of Councillors and ¹[Aldermen, and approved by the State Government] :

²Provided further that, except with the sanction of the State Government, no public square or garden or part thereof shall be diverted from its ordinary use as such for more than a month in any year.

Power of the Commissioner to authorise temporary construction or temporary closure of parts of public streets.

³361A. The Commissioner may authorise temporary construction on, or temporary closure of, any part of a public street on such occasions and on such conditions and for such period as the Corporation may prescribe by-law made in this behalf.

Power to Corporation to dispose of a permanently closed street, square or garden.

362. (1) When any public street, or part thereof, or any public square or garden is permanently closed under section 361, the Corporation may sell or lease the site of so much of the roadway and footpath as is no longer required, or the site of the square or garden, as the case may be, making due compensation to, or providing means of access for, any person who may suffer damage by such closing.

(2) In determining such compensation under section 571, the Court shall make allowance for any benefit accruing to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public street, square or garden, at or about the same time that the public street, square or garden, on account of which the compensation is paid, is closed.

Projected public streets.

Projected public streets.

363. (1) The Corporation may from time to time prepare schemes and plans of projected public streets, showing the direction of such streets, the street alignment and building-line if so proposed on each side of them, their intended width, and such other details as may appear desirable.

(2) The width of such projected streets, inclusive of space for footpaths, shall not be less than ⁴[thirteen metres or, in a *bustee*, six metres :]

¹Substituted for the words "Aldermen of the Corporation." by sec. 79() of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²This further proviso was added by sec. 79(b), *ibid.*

³This section was inserted by sec. 80, *id.*

⁴Substituted for the words "forty feet or, in a *bustee*, twenty feet : " by sec. 81(a), *ibid.*

XXXIII of 1951.]

(Part V.—Chapter XX1.—Streets and Public Places.—
Sections 364, 365.)

Provided that—

- (a) the Corporation may, for special reasons, reduce the width of any projected street, but not so as to be less than ¹[ten metres or in a *bustee* five metres] ; and
- (b) this sub-section shall not apply in any case in which the projected street, or any part thereof, runs along an existing street and the Corporation considers it impracticable to widen the street to the extent of ²[thirteen metres or six metres], as the case may be.

364. The provisions of sections 356, 357 ³[358 and 359] shall, with all necessary modifications, apply to public streets projected under sections 363.

Provisions of sections 356, 357, 358 and 359 to apply to projected public streets.

365. The Corporation with the sanction of the State Government, may—

Tolls on roads.

- (1) establish a toll-bar on any public street (except a *kutchra* road) whether situated within or without Calcutta vested in the Corporation, which has been constructed or reconstructed by or on behalf of the Corporation, and
- (2) levy tolls at such toll-bar on persons, vehicles and animals passing over such road :

Provided as follows :—

No toll-bar shall be established or tolls levied otherwise than for the purpose of recovering—

- (a) the expenses incurred by the Corporation in constructing or reconstructing such street,
- (b) interest on such expenses at the rate of four *per cent. per annum*, or when such expenses are defrayed wholly or in part from a loan at one and a half *per cent.* above the rate of interest chargeable on such loan, and
- (c) the capitalised value of the estimated cost to the Corporation of maintaining such street.

¹Substituted for the words "thirty feet or in a *bustee* sixteen feet" by sec. 81(b) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVII of 1964).

²Substituted for the words "forty feet or twenty feet" by sec. 81(c), *ibid.*

³The comma, figures and words were substituted for the word and figures "and 358" by sec. 66 of the Calcutta Municipal (Amendment) Act, 1963 (West Ben. Act XIX of 1963).

[West Ben. Act

(Part V.—Chapter XXI.—Streets and Public Places.—
Sections 366, 367.)*Acquisition of land and buildings.*

Power to
Corporation
to acquire
land and
buildings
for im-
provement
of public
streets,
squares
and
gardens.

366. (1) The Corporation may acquire—

(a) any land required for the purpose of opening, widening, extending or otherwise improving any public street, square or garden, or of making any new public street, square or garden, and

(b) the buildings (if any) standing upon such land.

(2) The Corporation, with the sanction of the State Government, and after giving due notice of its intention and an opportunity to any objector, who appears within such period as it may fix, to be heard in this connection, may acquire, in addition to any land and buildings acquired or to be acquired under sub-section (1), any land outside any proposed street alignment, with the buildings (if any) standing thereupon which the Corporation may, for any of the purposes mentioned in sub-section (1), including the recoupment of the cost or any portion of the cost incurred or to be incurred for any such purposes, consider it expedient to acquire.

Abandonment of acquisition.

Abandon-
ment of
acquisi-
tion in
considera-
tion of
special
payment.

367. (1) In any case, in which the State Government has sanctioned the acquisition of ¹[land or building] under section 366, sub-section (2), the owner of the ¹[land or building], or any person having an interest therein greater than a lease for years having seven years to run, may make an application to the Corporation, requesting that the acquisition of the ¹[land or building] be abandoned in consideration of the payment by such person of a fee to be fixed by the Corporation in that behalf.

(2) The Corporation shall admit every such application if it reaches it before the time fixed by the Collector under section 9 of the Land Acquisition Act, 1894, for making claims in reference to the ¹[land or building] :

I of 1894.

Provided that unless the application is made by all the persons who have an interest in the ¹[land or building] greater than a lease for years having seven years to run, the application shall not be ²admitted unless the person undertakes to pay in one instalment the full fee payable under sub-section (3) and thereafter pays such fee.

Explanation.—A mortgagee shall not be deemed to be a person having an interest in the ¹[land or building] greater than a lease for years having seven years to run.

¹These words were substituted for the word "land" by sec. 67(1) of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1958).

²The words "deemed to be" were omitted by sec. 67(3), *ibid.*

XXXIII of 1951.]

(Part V.—Chapter XXI.—Streets and Public Places.—Section 367.)

(3) If the Corporation decides to admit any such application, it shall forthwith inform the Collector, and the Collector shall thereupon stay proceedings for the acquisition of the ¹[land or building] for ²[a period not exceeding twelve months], and the Corporation shall proceed to fix a fee in consideration of which the acquisition of the ¹[land or building] may be abandoned.

(4) In fixing the fee to be paid in consideration of the abandonment of the acquisition of the ¹[land or building], the Corporation shall, so far as to it may appear to be practicable, fix a sum which in its opinion represents two-thirds of the increment in the value of the ¹[land or building], which will in its opinion accrue to that ¹[land or building] as a result of the improvements effected in the locality by the scheme for the purposes of which the acquisition has been sanctioned.

I of 1894.

(5) Such fee shall be and remain a charge on the ¹[land or building], in respect of which it has been fixed, until the repayment thereof with interest in the manner hereinafter provided and shall be payable by the applicant on or before a date to be fixed by the Corporation in this behalf; and such date shall not be less than four years from the publication of the notification under section 6 of the Land Acquisition Act, 1894, nor shall such date be a date before that on which the scheme is declared by the Corporation to be completed in so far as it affects such ¹[land or building].

(6) Before the date so fixed, the person from whom the Corporation has arranged to accept the said fee, may, if the Corporation is satisfied that the security offered by him is sufficient, execute an agreement with the Corporation either—

(i) to leave the said fee outstanding as a charge on his interest in the ¹[land or building], subject to the payment in perpetuity of interest, at a rate not exceeding seven *per cent. per annum*, the said interest to run from the date fixed under sub-section (5), or

(ii) to pay the said fee by such number of equal yearly or half-yearly instalments of principal or of principal and interest as may be approved by the Corporation, interest in both cases being calculated at a rate not exceeding seven *per cent. per annum* on the amount outstanding.

(7) When the said fee has been paid on or before the date fixed under sub-section (5), or when an agreement has been executed in pursuance of sub-section (6) in respect of any ¹[land or building], the proceedings for the acquisition of the ¹[land or building] shall be deemed to have been abandoned.

¹See foot-note 1 on page 414, *ante*.

²These words were substituted for the words "such period as the Corporation may request" by sec. 67(3) of the Calcutta Municipal (Amendment) Act, 1958 (West Ben Act XIX of 1958).

[West Ben. Act

(Part V.—Chapter XXI.—Streets and Public Places.—Sections 368—370.)

(8) If the said fee be not paid or an agreement in respect of the ¹[land or building] be not executed in pursuance of sub-section (6) on or before the date fixed under sub-section (5), the Collector shall then proceed to acquire the ¹[land or building].

(9) If any sum payable under an agreement executed in pursuance of sub-section (6) be not paid on the date on which it is due, or on such later date as the Corporation may in its discretion fix in this behalf, so much of the fee fixed by the Corporation under sub-section (3) as is still unpaid, shall be payable on that date, in addition to the said sum.

(10) At any time after an agreement has been executed in pursuance of clause (i) of sub-section (6) any person may pay off the balance outstanding of the charge created thereby, with interest due, if any, at a rate not exceeding seven *per cent. per annum*, up to the date of such payment.

Recovery of money payable in pursuance of section 367.

368. When an agreement has been executed by any person in pursuance of section 367, sub-section (6), in respect of any ¹[land or building], and any money payable in pursuance of that section is not duly paid, the same shall be recoverable by the Corporation (together with interest up to the date of realization, at a rate not exceeding seven *per cent. per annum*), under the provisions of this Act ;

and, if not so recovered the Corporation may, after giving public notice of its intention to do so, and not less than one month after the publication of such notice, sell the interest of the said person or successor in such ¹[land or building] by public auction, and may deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.

Agreement or payment under section 367 not to bar acquisition under a fresh declaration.

369. If any ²[land or building] in respect of which an agreement has been executed, or a payment has been accepted, as referred to in section 367, sub-section (7), be subsequently required for any of the purposes of this Act, the agreement or payment shall not be deemed to prevent the acquisition of the ²[land or building] in pursuance of a fresh declaration, published under section 6 of the Land Acquisition Act, 1894.

I of 1894.

Private Streets.

Owner's obligation to make a street when disposing of land as building sites.

370. If the owner of any land utilizes, sells, leases or otherwise disposes of for profit such land or any portion or portions of the same as sites for the construction of buildings, he shall, save in such cases as the site or sites may abut on an existing public or private street, lay down and make a street or streets or road or roads giving access to the site or sites and connecting with an existing public or private street.

¹These words were substituted for the word "land" by sec. 68 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

²These words were substituted for the word "land" by sec. 69, *ibid.*

XXXIII of 1951.]

(Part V.—Chapter XXI.—Streets and Public Places.—Section 371.)

371. (1) Any person intending to make or lay out a new private street shall send to the Corporation a written notice, with plans and sections showing the following particulars of the proposed street, namely :—

Making of new private streets.

- (a) the level, width and alignment thereof, and
- (b) the arrangements to be made for levelling, paving, metal-ling, flagging, channelling, sewerage, draining and lighting the street.

(2) The provisions of this Act as to the width of public streets and the height of buildings abutting thereon, and as to projected public streets, shall respectively apply in the case of streets referred to in sub-section (1) ; and all the particulars referred to in that sub-section shall be subject to approval by the Corporation :

Provided that the Corporation may allow a private street to be made or laid out of a width less than ¹[thirteen metres] but less than ²[ten metres].

(3) Within ninety days after receipt of any notice under sub-section (1), the Corporation shall either sanction the making of the street, or disallow it, or ask for further information with respect to such street.

(4) Such sanction may be refused—

- (i) if the proposed street would conflict with any arrangements which have been made, or which are in the opinion of the Corporation likely to be made within a reasonable period, for carrying out any general scheme of street improvement, or
- (ii) if the proposed street does not conform to the provisions of this Act referred to in sub-section (2), or
- (iii) if the proposed street is not designed so as to connect at one end with a street which is already open.

(5) If further information is asked for under sub-section (3), no steps shall be taken to make or lay out the street until orders have been passed upon receipt of such information, and such orders shall be passed within ninety days of the receipt of such further information.

(6) If within ninety days after the receipt of any notice under sub-section (1), or within ninety days after the receipt of any further information asked for under sub-section (3), the Corporation has not refused sanction to the making of the private street, it shall be deemed that sanction to the same has been granted.

¹Substituted for the words "forty feet" by sec. 82(a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Substituted for the words "thirty feet" by sec. 82(b), *ibid.*

[West Ben. Act

(Part V.—Chapter XXI.—Streets and Public Places.—Sections 372—374.)

Prohibition of breach of section 371.

372. Except as provided in sub-section (6) of section 371, no person shall make or lay out any street referred to in sub-section (1) of that section,—

- (a) until he has obtained the sanction of the Corporation under that section, or
- (b) in contravention of any orders made thereunder.

Alteration or demolition of street made in breach of section 371.

373. (1) If any person makes or lays out any street referred to in section 371, sub-section (1), without having obtained the sanction of the Corporation under that section, or in contravention of any orders made thereunder, it may, whether or not the offender be prosecuted under this Act, by written notice,—

- (a) require the offender to show sufficient cause, by a written statement signed by him and sent to the Corporation on or before such day as may be specified in the notice, why such street should not be altered to its satisfaction, or, if such alteration be impracticable, why such street should not be demolished, or
- (b) require the offender to appear before it, either personally or by a duly authorised agent, on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause, to the satisfaction of the Corporation, why such street should not be so altered or demolished, it may cause the street to be so altered or demolished, and the expenses thereof shall be paid by such person; and such expenses shall be a charge on the lands or buildings abutting on such private street.

Levelling, etc., of private streets.

374. (1) If any private street or any part thereof be not levelled, paved, metalled, flagged, channelled, sewered, drained and lighted to the satisfaction of the Commissioner, he may, by written notice, to the owner of such private street or the respective owners of the land fronting, adjoining or abutting upon such street or part, as the case may be, from time to time require them to level, pave, metal, flag, channel, sewer, drain and light such street or part.

(2) If such notice be not complied with and the Commissioner under section 560, sub-section (2), executes the works mentioned or referred to therein, the expenses thereby incurred shall be paid by the owner of such private street or the owners in default, in such proportion as may be settled—

- (a) by the Corporation, or
- (b) in case of dispute, by the Court under section 571.

XXXIII of 1951.]

(Part V.—Chapter XXI.—Streets and Public Places.—Section 375.—Chapter XXII.—Buildings.—Sections 376, 377.)

375. If any private street which conforms to the provisions of this Act referred to the section 371, sub-section (2), be levelled, paved, metalled, flagged, channelled, sewered, drained and lighted to the satisfaction of the Corporation, and if a majority of—

Power to Corporation to take over private streets.

- (a) the owners of land or buildings in such street, or
- (b) the owners of the street, or
- (c) the owners who have paid the expenses referred to in section 374, sub-section (2),

signify in writing their consent thereto, the Corporation shall declare the same, by written notice put up in any part of such street, to be a public street, and thereupon the same shall become a public street and shall vest in the Corporation :

Provided that, where a private street has been in existence not less than thirty years and is used by the people of the locality as a thoroughfare, the Corporation may declare such street to be a public street even though it does not strictly comply with the provisions of this Chapter, if—

- (a) the owners of lands and buildings in such street, or
- (b) the owners of the street,

signify in writing their consent thereto.

CHAPTER XXII.

BUILDINGS.

376. No piece of land shall be used as a site for the erection of a new building, and no new building shall be erected, otherwise than in accordance with—

Use of building sites, and erection of new buildings.

- (a) the provisions of this Chapter and of Schedule XVI, and
- (b) any orders, rules or by-laws made under this Act,

relating to the use of building-sites or the erection of new buildings, as the case may be.

377. If any question arises as to what, for the purposes of this Act, shall be deemed to be the site of any proposed masonry building, the Commissioner shall, in accordance with such rules as may be made by the Corporation, determine the same, and his decision shall be final.

Commissioner to determine site of proposed masonry building.

(Part V.—Chapter XXII.—Buildings.—Sections 378—381.)

[West Ben. Act

*Licensed building surveyors.*Licensing
of building
surveyors.

378. (1) The Commissioner may from time to time, in accordance with such rules as may be made by the Corporation, grant to any person he thinks fit a license to act as a licensed building surveyor for the purposes of this Chapter.

(2) The Corporation may prescribe the qualifications to be required of persons to whom licenses may be granted under subsection (1) in respect of the several classes of buildings.

(3) Every such license shall be for a renewable period of three years.

Rules for
guidance
of licensed
building
surveyors.

379. (1) The Corporation may make rules for the guidance of licensed building surveyors, and a copy of all such rules, for the time being in force, shall be written on the back of every license granted under section 378.

(2) The Corporation may from time to time prescribe a scale of fees of licensed building surveyors in respect of any class of buildings, to be made applicable in the absence of a written contract to the contrary.

Power to
Commissioner
to decline
plans, etc.,
made by
persons
other than
licensed
building
surveyors.

380. The Commissioner may decline to accept any plan, elevation or section, submitted with any application for permission to erect a new building, unless such plan, elevation or section has been prepared by, and bears the signature of, a licensed building surveyor.

*Buildings generally.*Power to
Corporation
to regulate
future
erection of
certain
classes of
buildings
in particular
streets or
localities.

381. (1) The Corporation may at any time give public notice of its intention to declare that, in any street, portion of a street or locality specified in the notice—

(a) the elevation and construction of the frontage of all new buildings thereafter erected shall, in respect of their architectural features be such as the Corporation may consider suitable to the locality, or

(b) the erection of only detached buildings will be allowed, subject to the provisions of this Act relating to detached buildings, or

(c) the erection of shops, or of any particular class of shops, or of buildings, of the warehouse class, will not be allowed without the special permission of the Corporation, or

XXXIII of 1951.]

(Part V.—Chapter XXII.—Buildings.—Section 382.)

(d) the erection of buildings of the warehouse class will be allowed, subject to the provisions of this Act relating to such buildings, or

(e) the erection of huts will not be allowed without the special permission of the Corporation to be granted only if the Corporation considers that their site or plan of constructions are suitable to the locality.

(2) A copy of such notice shall be served ¹[by the Commissioner] on all owners of buildings and lands in such street or portion thereof or in such locality, as the case may be, who are registered on the books of the Corporation as such :

Provided that accidental failure to serve such notice shall not invalidate or affect any declaration published under sub-section (5).

(3) No objections to any such declaration shall be received after a period of three months from the publication or the service of such notice.

(4) The Corporation shall consider all objections received within the said period, ²* * * * and may prepare a declaration relating to the streets or localities referred to in the notice.

(5) When any such declaration has been so prepared, it shall be published in the *Official Gazette*, and shall take effect from the date of such publication.

(6) No person shall erect any new building in contravention of any such declaration.

382. (1) Save with the special permission of ³[the Commissioner], no new building (other than a hut) shall be erected unless—

(a) the site of such building abuts on a public street, or a projected public street, or a private street duly sanctioned and constructed under section 371 or under the provisions of the Calcutta Municipal Act, 1923, which is existing from before the commencement of 1923.

Masonry building not to be erected without special permission in certain

Ben Act
XXX of 1951

Page 421

*In clause (a) of sub-section (1) of section 382, for the words and figures "the Calcutta Municipal Act, 1923, or which is existing from before the commencement of the Calcutta Municipal Act, 1923, or", substitute the words and figures "the Calcutta Municipal Act, 1923, as in force in the municipality of Howrah or the Bengal Municipal Act, 1932, or which is existing from before the commencement of the Calcutta Municipal Act, 1923, as in force in Howrah, or the Bengal Municipal Act, 1932, or".

(Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

street by a ch site, and metres] wide

83(a) of the Act XVIII of

fore it within (b), *ibid.*

ng Committee ling Buildings

by sec. 84(b),

[No. 2, dated the 1st May, 1970.]

[West Ben. Act

(Part V.—Chapter XXII.—Buildings.—Sections 383—385.)

(2) No building shall be erected so as to deprive any masonry building of the means of access as provided in this section.

Power to
Commissioner to
require
alteration
of existing
public
building.

383. For the purpose of bringing any public building into conformity with the provisions of this Act relating to new public buildings, the Commissioner may ¹* * * * * by written notice, and after giving him an opportunity of being heard, require the owner of the building to make such alterations therein for the purposes of sanitation and the safety of the public or of the inmates thereof as may be specified in the notice.

External
doors of
public
buildings.

384. The Commissioner may, by written notice, require the owner of any public building to provide the building with external doors or doorways of such number, height and width as the Commissioner ²[may consider] necessary or to cause the external doors thereof to be so constructed or altered as to open outwards.

Prohibition of
change in
user of a
building.

385. (1) Save with the special permission of the Commissioner, no person shall use a building or a substantial part of a building erected for use as, and belonging to, any one class of buildings, as a building of any other class in such a manner that the building or part thereof so used will not be in conformity with the provisions of this Act, or of any rules or by-laws made thereunder, relating to buildings of that other class :

Provided that no change made by or under this Act in the classification of buildings as in force under the Calcutta Municipal Act, 1899, or the Calcutta Municipal Act, 1923, shall have the effect of preventing the use of a building for the purposes for which it was declared to be intended to be used at the time when the plans of such building were sanctioned.

Ben. Act
III of
1899.
Ben. Act
III of
1923.

(2) The provisions of sub-section (1) shall not apply to the use as a shop of a building or a substantial part of a building which was not erected for such use :

Page 422—

*In the proviso to sub-section (1) of section 385, after the words and figures "the Calcutta Municipal Act, 1923," insert the words and figures "as in force in the municipality of Howrah, or under the Bengal Municipal Act, 1932,".

(Inserted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

locality
use (c)
or part
Commis-
notice,
ame.

[No. 2, dated the 1st May, 1970.]

Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

¹Substituted for the words "may, with the previous approval of the Standing Buildings Committee, consider" by sec. 86, *ibid.*

²These words were substituted for the words "is used as a shop without the special permission of the Standing Buildings Committee," by sec. 87, *ibid.*

igs Com-

XXXIII of 1951.]

(Part V.—Chapter XXII.—Buildings.—Sections 386—388.)

423— section 386, for the words “shall be final” *substitute* for the purposes of section 386, for the words “shall be final”, *substitute* [Commissioner] whose erection of a building

In case of dispute Commissioner to decide what is to be deemed a substantial part of a building.

(Substituted by West Ben. Act VI of 1967, section 7.)

[No. 5, dated the 1st May, 1970.]

Application of Act to alterations of, and additions to, buildings.

387. Subject to the provisions of section 388, the provisions of—

Application of Act to alteration of, and additions to, buildings.

- (a) this Chapter,
- (b) Schedule XVI, and
- (c) any orders, rules and by-laws made under this Act,

relating to the erection of new buildings, shall, subject to the rules in part X of the said Schedule XVI, apply to every alteration of, or addition to, any building, and to any other work (except that of necessary repairs not involving any of the works specified in rule 90 of the said schedule) made or done for any purpose in, to, or upon any building.

Explanation.—No work of re-erection or re-construction which would constitute any building a new building under sub-clauses (b), (c) or (d) of clause (49) of section 5 shall, for the purposes of this section, be deemed to be an alteration of or addition to, or any other work made or done to or upon, such building, but in the case of such re-erection or re-construction the provisions relating to the erection of new buildings as referred to in this section shall apply to the whole of the said new building.

388. In the case of an erection of any new building as defined in sub-clauses (b), (c) or (d) of clause (49) of section 5, and in the case of any addition or alteration or other work referred to in section 387, such relaxation of the provisions of this Chapter and Schedule XVI may be made as the [Commissioner] may think fit :

Power to relax provisions of this Chapter and Schedule XVI.

Provided that—

- (1) no such relaxation shall apply to cases other than those specifically mentioned in * * * Schedule XVI, and

*These words were substituted for the words “Standing Buildings Committee” by sec 88, of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

*This word was substituted for the word “Corporation” by sec. 89(a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

*The words and figures “rule 91 of” were omitted by sec. 89(b), *ibid.*

[West Ben. Act

(Part V.—Chapter XXII.—Buildings.—Sections 389—391.)

- (2) such relaxations are not likely prejudicially to affect the sanitation or ventilation of the building or other buildings in its vicinity.

Erection
of, or
addition to,
boundary
wall
affecting an
easement.

389. The ¹[Commissioner] shall not refuse sanction to the erection of a boundary wall exceeding ²[three metres] in height or to any addition to any boundary wall so as to make it exceed ³[three metres] in height on the ground that such boundary wall or such addition would cause interference with an existing easement in favour of, or prevent the acquisition of an easement by, the owner of adjacent premises.

Exemptions.

Exemp-
tions.

390. The following buildings shall be exempted from the operation of this Chapter, namely :—

- (a) any building erected and used, or intended to be erected and used, exclusively for the purpose of accommodating a pump for pumping water to the higher storeys of a building, or exclusively for the purpose of a plant-house, summer-house (not being a dwelling-house), poultry-house or aviary if the building be wholly detached from, and situated at a distance of at least ⁴[three metres] from, the nearest adjacent building ;
- (b) any building erected or intended to be erected by, or with the sanction of, the Corporation, for use solely as a temporary hospital for the reception and treatment of persons suffering from any dangerous disease ; and
- (c) any hoarding or like means of protection (other than a masonry wall) which the owner of any premises certifies to the Commissioner, not less than seven days after its erection to have been erected for the purpose of preventing the threatened acquisition of any easement over his own premises or any portion thereof, provided that the stability of such hoarding or other means of protection is certified by the Commissioner.

Erection
and use of
temporary
building
to be
approved
by the
“[Commis-
sioner.]”

391. (1) The ⁵[Commissioner] may permit the erection of a temporary building to be used for such purpose and for such

¹Substituted for the word “Corporation” by sec. 90 (a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Substituted for the words “ten feet” by sec. 90(b), *ibid.*

³Substituted for the words “ten feet” by sec. 91 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

⁴This word, in the marginal note, was substituted for the words “Standing Buildings Committee” by sec. 92 (a). *ibid.*

⁵This word was substituted for the words “Standing Buildings Committee” by sec. 92(b)(4), *ibid.*

XXXIII of 1951.]

(Part V.—Chapter XXII.—Buildings.—Sections 391A, 391B.)

period ¹[as he may approve]. Such building shall conform to such rules or by-laws as may be made by the Corporation in that behalf.

(2) If any building as aforesaid does not conform to the rules or by-laws referred to above or is used otherwise than for the purpose or beyond the period for which it is approved, the building may be demolished by the Commissioner at the expense of the owner thereof whether he is prosecuted under this Act or not.

²391A. (1) Any person dissatisfied with an order under—

(a) section 382 or section 383 or sub-section (2) of section 385 or section 386 or section 388 or section 391, or

(b) rule 31 or sub-rule (3) of rule 32 or rule 55 or rule 91 of Schedule XVI,

may appeal to the Tribunal constituted under section 391B.

Appeal from orders in cases relating to buildings.

(2) An appeal under sub-section (1) shall be presented to such Tribunal within thirty days from the date of such order and shall be accompanied by a copy of such order.

³391B. (1) There shall be constituted a Tribunal or Tribunals for hearing appeals as provided for in sections 391A and 414A and each Tribunal shall consist of a President and two assessors.

Constitution of Tribunal.

(2) The President of a Tribunal and one of the assessors shall be appointed by the State Government and the other assessor shall be appointed by the Corporation within a time to be fixed by the State Government or, in default of the Corporation, by

2. In sub-section (3) of section 391B of the Calcutta Municipal Act, 1951, for the existing first proviso, the person following proviso shall be substituted:—

person named in rules and

“Provided that the State Government may, if it thinks it necessary so to do at any time, cancel the appointment of a member of a Tribunal:”.

or an officer or

the Commissioner or a municipal officer or servant shall be eligible for appointment as a member of a Tribunal and if a member of a Tribunal becomes a Councillor or an Alderman or a member of any Standing or other Committee or the Commissioner or a municipal officer or servant he shall cease to be a member of the Tribunal.

¹These words were substituted for the words “as the Committee may approve” by sec. 92(b)(ii), of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Sections 391A, 391B, 391C, 391D, 391E, 391F, 391G and 391H were inserted by sec. 93, *ibid.*

[West Ben. Act

(Part V.—Chapter XXII.—Buildings.—Sections 391C, 391D).

(3) The term of office of each member of a Tribunal shall be three years and no member shall be eligible for reappointment at the end of such term :

Provided that the State Government may, at any time, on the ground of incapacity or misbehaviour, or for any other good and sufficient reason, cancel the appointment of a member of a Tribunal :

Provided further that when any member is temporarily absent for any period on account of illness or any other unavoidable cause, the State Government or, if such person was appointed by the Corporation, the Corporation, or, in default of the Corporation, the State Government may appoint a fit person to be a member in his place for such period.

(4) All appointments made under this section shall be published by notification in the *Official Gazette*.

(5) Each member of a Tribunal shall be entitled to receive such remuneration, either by way of monthly salary or by way of fees, or partly in one of those ways and partly in the other, as the State Government may determine.

Officers and
servants of
Tribunal.

¹391C. (1) The President of a Tribunal, shall, subject to the approval of the State Government,—

(a) determine the number and grades of the officers and servants who, he considers, should be maintained for carrying on the business of the Tribunal, and

(b) fix the amount of salary to be paid to such officers and servants,

and may appoint and maintain such officers and servants in his establishment and on such salary as may be sanctioned by the State Government.

(2) The appointments of such officers and servants shall, subject to the approval of the State Government, be made by the President of the Tribunal.

(3) The President of the Tribunal shall have administrative control over such officers and servants.

(4) The remuneration of the members of the Tribunal, the salary of its officers and servants and all other costs of its establishment shall be paid out of the Municipal Fund.

Power to
make rules.

¹391D. The President of the Tribunal may, from time to time, with the previous approval of the State Government, make rules, not repugnant to the Code of Civil Procedure, 1908, for the conduct of business of the Tribunal and all such rules shall be published by notification in the *Official Gazette*.

Act V of
1908.

¹ See foot-note 2 on page 425, *ante*.

XXXIII of 1951.]

(Part V.—Chapter XXII.—Buildings.—Sections 391E—392.—
Chapter XXIII.—Bustees.—Sections 393, 394.)

¹391E. If there are more than one Tribunal constituted under section 391B, there shall be a common establishment for such Tribunals and the President of one of such Tribunals, to be selected by the State Government in this behalf, shall exercise such powers of the President as are referred to in sections 391C and 391D.

Establishment.

36 of 1963.

¹391F. The provisions of Parts II and III of the Limitation Act, 1963, relating to appeals, shall apply to every appeal presented to the Tribunal.

Limitation as to appeal to Tribunal.

¹391G. No court shall have jurisdiction in any matter for which provision is made in this Act for appeal to the Tribunal constituted under section 391B.

Bar of jurisdiction of Courts.

¹391H. The State Government may, by notification in the *Official Gazette*, prescribe what fee, if any, shall be paid—

Fees in proceedings before Tribunals.

(a) on any appeal to the Tribunal constituted under section 391B, and

(b) for the issue, in connection with such appeal, of any summons or other process.

392. No new building or part of a new building shall be occupied for use until and unless a certificate of completion for the building or that part of it has been submitted to the Corporation.

No new building or part thereof to be used without certificate of completion.

CHAPTER XXIII.

Bustees.

***393.** The Corporation may define the external limits of any *bustee*, and may from time to time alter such limits.

Power to Corporation to define and alter limits of *bustees*.

***394:** (1) The Corporation, if it considers that a *bustee* requires improvement for sanitary reasons, may, after giving notice to the owners of the *bustee*, cause the *bustee* to be inspected jointly by a Health Officer and an Engineer of the Corporation.

Power to Corporation to cause preparation of standard plan of *bustees*.

(2) The said officers shall forthwith make a written report to the Corporation on the sanitary condition of the *bustee* containing their recommendations for its improvement, and shall annex to their report a proper plan of the *bustee* to such scale as may be prescribed by the Corporation, showing—

¹ See foot-note 2 on page 425, *ante*.

*In any area in Calcutta to which the Calcutta Slum Clearance and Rehabilitation of Slum-dwellers Act, 1958 (West Ben. Act XX of 1958) applies, section 393 to 413 (both inclusive) of the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951) shall stand repealed, *vide* section 2(a) of West Bengal Act XX of 1958.

(Part V.—Chapter XXIII.—Bustees.—Section 394.)

- (a) the manner in which the *bustee* should be laid out, with the huts standing in regular lines and with a free passage, in front of and behind each line, of such width as may be necessary for proper ventilation and for scavenging,
- (b) the drains for the general use of the tenants of the *bustee*,
- (c) the means of common water-supply, bathing arrangements and common privy accommodation to be provided for the use of the tenants,
- (d) the streets and passages which are to be maintained for the benefit of the tenants, and the means of lighting of such streets and passages,
- (e) the tanks, wells, ditches, drains and low lands which are to be filled up and the tanks which are to be conserved, and
- (f) any other proposed improvements.

(3) The said report shall specify the huts or any masonry building or other structure in the *bustee* which may for the purposes of the improvement, be required to be removed or demolished partially or completely or to be altered or reconstructed ; and such huts or buildings or other similar structures shall be distinctly indicated on the plan.

(4) If there is any masonry building within the limits of the *bustee*, the said plan shall be so prepared as clearly to distinguish such building and the land pertaining to it.

(5) The streets referred to in clause (d) of sub-section (2) shall not be less than ¹[four metres] wide and ordinarily not more than ²[sixty metres] apart, and the passages referred to in that clause shall be not less than ³[three metres and fifty centimetres] wide.

(6) A report together with the plan annexed thereto made and signed under this section by the persons appointed under sub-section (1) shall be sufficient evidence of the result of such inspection.

(7) When the Corporation causes a plan to be prepared under this section, it may charge the owners of the *bustee* for which the plan is prepared at a rate not exceeding ⁴[four rupees for every one thousand square metres.]

¹Substituted for the words "twelve feet" by sec. 94 (a)(i) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Substituted for the words "two hundred feet" by sec. 94(a)(ii), *ibid*.

³Substituted for the words "ten feet" by sec. 94(a)(iii), *ibid*.

⁴Substituted for the words "five rupees per bigha" by sec. 94(b), *ibid*.

XXXIII of 1951.]

(Part V.—Chapter XXIII.—Bustees.—Sections 395—398.)

***395.** When a plan has been prepared under section 394, the Corporation shall fix a day for the hearing of objections, if any, made by or on behalf of the owners of the *bustee* and the owners of huts or masonry buildings or other structures therein ;

Approval of standard plan by Corporation.

and after hearing such objections, may in its discretion approve such plan and adopt such report either with or without such modifications as it deems fit.

Every plan of a *bustee* so approved by the Corporation shall be called the standard plan of the *bustee*.

***396.** When a notice of inspection of a *bustee* has been given under section 394, no new hut or masonry structure shall be erected on the *bustee* and no existing building shall be added to within the *bustee* until a standard plan for the *bustee* has been approved under section 395.

No new hut or masonry structure to be erected until approval of standard plan.

***397.** When a standard plan for any *bustee* has been approved under section 395, no new hut or masonry building shall be erected on such *bustee* and no existing building shall be added to in such *bustee*, unless the building or the part of the building, as the case may be, occupies a site or part of a site marked in the standard plan as the site for a hut or for a masonry building:

Prohibition of building contrary to standard plan.

Provided that no masonry building shall be erected unless it conforms to the rules made by the Corporation in this behalf with the approval of the State Government.

***398.** (1) When a standard plan has been approved for any *bustee* under section 395, the Commissioner may at any time, by written notice require the owner of any building in such *bustee*, which is not in conformity with the standard plan or the adopted report, to demolish and remove the whole or any portion of such building, or to alter or reconstruct such building, as the case may be, so as to conform to the standard plan and the adopted report,

Power to Commissioner to require removal of hut not in conformity with standard plan.

(2) When a building or part of a building has been removed in compliance with a requisition made under sub-section (1), the owner thereof shall be entitled to receive from the Municipal Fund such compensation calculated according to the estimated value of the building or part of the building removed, less the value of the materials, if the owner elects to take these, as the Corporation may determine.

*See foot-note marked with asterisk on page 427, ante.

(Part V.—Chapter XXIII.—Bustees.— Sections 399—401.)

Power to
Commissioner to
require
carrying
out of
other
improvement in
conformity with
standard
plan.

***399.** (1) The Commissioner may at any time, by written notice, require the owners of any *bustee* and the owners of any buildings on such *bustee*, for which a standard plan has been approved under section 395, to carry out all or any of the improvements specified in the said standard plan and the adopted report, within such time as may be fixed in the notice.

(2) The owners of the *bustee* and of the buildings thereon shall carry out such works in compliance with the notice within the time fixed. Until such notice is complied with, the Commissioner may refuse to sanction the erection of a new building or the making of any addition to any building in the *bustee*.

Payment of
expenses
incurred
in carrying
out im-
provement.

***400.** When any improvements required by a notice under section 399 are carried out by the Corporation under section 560 all expenses incurred thereby including such reasonable compensation as the Corporation may think fit to pay to the owners or occupiers of buildings removed, shall be paid by the owners of the *bustee* and the owners of the buildings thereon to the Corporation in such proportion as may be determined by the Corporation; and shall constitute a charge upon the land of such *bustee* and the buildings thereon; if in any case compensation, as determined by the Corporation, is payable under this section to any owner of a building, such compensation shall be paid by the owner of the *bustee* :

Provided that, notwithstanding anything contained in section 564 if it appears to the Corporation that any owner of a building is unable by reason of poverty to pay such expenses or any portion thereof, the Corporation may order the same to be paid out of the Municipal Fund; and in case of expenses payable under this section by an owner of a *bustee*, such payment shall be treated as an advance to such owner and shall constitute a charge upon such *bustee*.

Disposal
by the
Corpora-
tion of
material
of huts
pulled
down.

***401.** (1) If, in carrying out any improvement as provided in section 399, the Corporation causes any hut or portion of a hut to be pulled down, it shall—

- (a) cause the materials of such hut or portion of a hut to be given to the owner of the hut if such owner elects to take them; or
- (b) if the owner does not elect to take the materials, or if the owner be unknown or the title to the hut be disputed, cause such materials to be sold, and hold in deposit the proceeds of the sale, together with any sum awarded as compensation under section 400.

XXXIII of 1951.]

(Part V.—Chapter XXIII.—Bustees.—Sections 402, 403.)

(2) Any amount held in deposit under clause (b) of sub-section (1) shall be so held by the Corporation until any person obtains an order from a competent Court for the payment to him of such amount.

(2) A Court of Small Causes shall be deemed to be a competent Court for the purposes of this section.

*402. The Corporation may, at any time after the receipt of a report made under section 394, purchase or acquire—

- (a) any masonry building within such *bustee*, or
- (b) any land appertaining to such building, or
- (c) any such building, together with the land appertaining thereto or any portion thereof,

Power to Corporation to purchase or acquire masonry buildings or land in bustees.

which is mentioned in that behalf in such report.

*403. (1) Notwithstanding anything contained in sections 395 to 402, the Corporation may, after receipt of a report made under section 394 with respect to any *bustee*, and after giving an opportunity of being heard to the owners thereof, pass a resolution to the effect that the *bustee* is an unhealthy area and that, in its opinion, the purchase or acquisition of the *bustee* or of any portion thereof is necessary for the purpose of making the improvements referred to in the said report.

Alternative power to Corporation to make standard plan to purchase or acquire *bustee*, and to carry out improvement itself or through purchaser or lessee.

(2) When any such resolution has been passed, the Corporation shall make a plan for the improvement of the said *bustee* or portion thereof, together with such estimates as may be necessary for a due understanding of the same, and may then purchase or acquire the said *bustee* or portion thereof, and such plan shall be deemed to be the standard plan of the *bustee*.

(3) When any *bustee* or portion of a *bustee* has been so purchased or acquired, the Corporation shall as soon as is reasonably practicable, either—

- (a) sell or let the same or part thereof to any person for the purpose and under the condition that he will, as respects the land so sold or leased to him, carry out the improvements shown in such standard plan, or
- (b) itself bring the said *bustee* or portion thereof or any part of the same which has not been sold or leased under clause (a) into conformity with such standard plan, or
- (c) proceed under the provisions of sections 518 to 520 to take measures for the erection of sanitary dwellings for the working classes, or for the poorer classes, or for both, on such land.

* See foot-note marked with asterisk on page 427, ante.

[West Ben. Act

(Part V.—Chapter XXIII.—Bustees.—Sections 404, 405.)

(4) Whenever the Corporation decides to sell or let under clause (a) of sub-section (3) any *bustee* or portion thereof so purchased or acquired from any person, it shall offer to the said person or his heirs, executors or administrators a prior right to purchase or take on lease such *bustee* when disposing of the same under the said clause if such person applies in this behalf, at such rate and on such terms and conditions as may be fixed by the Corporation, if the Corporation considers that such a right can be given without detriment to the carrying out of the purposes of this Act. If more than one person applies to the Corporation that a *bustee* or portion thereof be sold or let to him under the said clause, the Corporation shall determine which of such persons has the prior right to take such *bustee* under this sub-section.

(5) Whenever action is taken under clause (a) of sub-section (3), the provisions of sub-section (2) or sub-section (3) of section 520, as the case may be, shall be applicable.

***404.** (1) No standard plan approved for a *bustee* under this Chapter shall, without the consent of the owner thereof, show more than—

Proportions of area of *bustee* to be shown in standard plan as streets, passages and open lands.

- (a) one-fourth of the whole area of such *bustee* as streets or passages, or
- (b) one-third of such area as open lands not to be built upon, whether such open lands be common ground, streets, passages or spaces behind a line of huts.

(2) In calculating the said proportions of one-fourth and one-third of any such area, no tank situated therein that has not been filled up shall be taken into account.

***405.** (1) When the land included in a *bustee* is owned by more owners than one, each owning one or more separate plots of such land, the standard plan approved under this Chapter for such *bustee* shall, as far as practicable, provide—

Regulation of plots by standard plan, and compensation for adjustment of plots.

- (a) for one or more huts being completely contained in each such plot, and
- (b) for such portion of each such plot being taken for streets, passages and open land as is specified in section 404.

(2) If a greater proportion of any one such plot than the proportion specified in section 404 is so taken, such standard plan shall indicate—

- (i) the compensation which shall be payable to the owner of such plot, and
- (ii) the persons who are liable to pay such compensation by reason of their benefiting by such greater proportion having been taken.

XXXIII of 1951.]

(Part V.—Chapter XXIII.—Bustees.—Sections 406—408.)

(3) If no person can equitably be called upon to pay such compensation, the same shall be paid by the Corporation.

(4) Any compensation payable under this section to the owner of any land in a *bustee* shall not be paid until such land has been brought into complete conformity with the standard plan.

***406.** (1) Every street or passage in a *bustee* which is shown in the standard plan approved under this Chapter for that *bustee*, and which is not already a public street, shall unless the Corporation and the owners of the land on which such street or passage is situated otherwise consent as provided in section 375 be deemed to be a private street; and the portion thereof which falls on the land of each owner shall belong to such owner :

Streets and passages shown in standard plan, if not public streets, to remain private.

Provided that any portion of any such street or passage which is situated on land purchased or acquired by the Corporation under section 402 shall remain the property of the Corporation.

(2) Every such private street shall, at all times, be kept open for scavenging purposes and for all other purposes of this Act in such manner as the Corporation may require, and shall also be kept open for the use of all the tenants of the *bustee* :

IX of 1908.

Provided that, notwithstanding anything contained in the Indian Limitation Act, 1908, no use of any such street shall, by reason of any lapse of time, be held to confer a right of way on the public so as to bring the street within the definition of a "public street" in clause (60) of section 5.

***407.** The bathing arrangements and privy accommodation in a *bustee*, which are shown in the standard plan approved under this Chapter for such *bustee* as being common to the use of all or some of the tenants of the *bustee*, shall at all times be kept available for the use of such tenants :

Bathing arrangements and privy accommodation in *bustees*, as shown in standard plan to be kept open for use of tenants.

Provided that, notwithstanding anything contained in the Indian Limitation Act, 1908, if at any time the land on which any such bathing arrangements or privy accommodation are provided ceases to form part of such *bustee*, no such use shall, by reason of any lapse of time, be held to confer any right on any person so as prejudicially to affect the rights of the owner of such land.

***408.** (1) The owner of any land in a *bustee*, for which a standard plan has been approved under this Chapter, shall maintain in proper order and repair, to the satisfaction of the Commissioner, such streets, passages, drains, common bathing arrangements, common privy accommodation, means of lighting, means of water-supply and other works on such land as may be shown in the plan.

Owner of land in *bustee* to maintain certain conveniences on his land.

*See footnote marked with asterisk on page 427, *ante*.

[West Ben. Act

(Part V.—Chapter XXIII.—Bustees.—Sections 409—411.)

(2) The Commissioner may, at any time, cause a written notice to be served upon such owner requiring him so to maintain such streets, passages, drains, common bathing arrangements, common privy accommodation, means of lighting, means of water-supply and other works :

Provided that any convenience made by the owner of a hut for his own use shall, subject to such notice as aforesaid, be maintained by him and not by the owner of the *bustee*.

(3) If the Commissioner is satisfied that any street, passage, drain, bathing arrangements, privy accommodation, means of water-supply or other work or any portion thereof, has been damaged by any tenant or tenants of the *bustee*, the Commissioner may, if he thinks it desirable to do so, call upon such tenant or any one or more of such tenants by a written notice to repair such street, passage, drain, bathing arrangements, privy accommodation, means of water-supply or other work or portion thereof.

Rights of land-owner and hut-owner, respectively, over streets, land and drains shown in standard plan.

*409. (1) The owner of any land in a *bustee* for which a standard plan has been approved under this Chapter, shall be deemed to be the occupier of—

- (a) all the streets, passages and common ground,
- (b) all drains provided for the use of more than one hut, and
- (c) the common bathing arrangements, common privies and means of lighting the *bustee*,

on such land, so far as the same are constructed in accordance with the standard plan.

(2) The owner of any hut in such *bustee* shall be deemed to be the occupier of—

- (i) the land on which such hut stands,
- (ii) the open space behind such hut which appertains thereto, and
- (iii) every drain, privy, means of lighting or water-connection (if any) provided for the sole use of such hut.

Bustee when to be deemed a remodelled *bustee*.

*410. When a *bustee* has been brought into conformity with the standard plan approved under this Chapter for such *bustee*, it shall be deemed to be a remodelled *bustee*.

Power to Corporation to prescribe alignments for *bustee* streets.

*411. (1) In any *bustee*, in respect of which a standard plan has not been prepared, or in any area in which it appears to the Corporation that huts are likely to be erected, the Corporation if it considers necessary to prescribe alignments for private

XXXIII of 1951.]

(Part V.—Chapter XXIII.—Bustees.—Sections 412, 413.)

streets inside the *bustee* may, after hearing the objections, if any, of any owner of land in such *bustee*, prescribe such alignments, not more than ¹[five metres] in width, for such private streets as it may think fit.

(2) When the land within such *bustee* or area is owned by more owners than one, each owning one or more separate plots of such land, such alignments shall, as far as practicable, be so prescribed as not to occupy, within any such plot, more than one-fifth of the area thereof and shall not ordinarily be less than ²[seventy-five metres] apart.

(3) No hut or portion of a hut shall be erected within any alignment prescribed under sub-section (1).

(4) The provisions of section 406 shall, with all necessary modifications, be deemed to apply to every street the alignment for which has been prescribed under this section.

*412. (1) In any *bustee*, at any time after the expiration of two years from the time when any alignment has been prescribed—

(a) for a street under section 411, or

(b) for huts under rule 64 of Schedule XVI,

the Commissioner may, by written notice, require the owner of the land or the owners or occupiers of existing huts to remove such huts or portions thereof as fall—

(i) within any such prescribed street alignment, or

(ii) within ³[two metres] on either side of any such prescribed hut alignment,

as the case may be.

(2) When a hut has been removed under the provisions of sub-section (1), the Corporation shall pay to the owner thereof such compensation as it may consider to be reasonable, but such compensation shall in no case exceed the value of the hut less the value of the materials thereof.

*413. Any person who erects a masonry building—

(a) in any *bustee* in respect of which a standard plan has been approved under section 395, or

(b) in any *bustee* or area in respect of which alignments for streets have been prescribed under section 411,

¹Substituted for the words "sixteen feet" by sec. 95(a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Substituted for the words "two hundred and fifty feet" by sec. 95(b) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964),

*See foot-note marked with asterisk on page 427, ante.

³Substituted for the words "six feet" by sec. 96 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

Power to Commissioner to require removal of existing huts within street or hut alignment in *bustee*.

Power to Commissioner to require space to be kept between masonry building in *bustee* and centre line of *bustee* street.

[West Ben. Act

(Part V.—Chapter XXIV.—Demolition, alteration and stopping of unlawful work.—Section 414.)

shall, if so required by written notice issued by the Commissioner leave a clear space of ¹[five metres] between the centre line of any street or passage shown in such plan, or of any street the alignment for which has been so prescribed, as the case may be, and the nearest part of such building.

CHAPTER XXIV.

Demolition, alteration and stopping of unlawful work.

Demolition or alteration of building work unlawfully commenced, carried on or completed.

414. (1) If the Commissioner is satisfied—

(i) that the erection of any building—

- (a) has been commenced without obtaining any permission required to be obtained by or under this Act, or
- (b) is being carried on or has been completed otherwise than in accordance with the particulars on which such permission was based, or
- (c) is being carried on or has been completed in breach of any provision contained in this Act or in any rules or by-laws made thereunder, or of any direction or requisition lawfully given or made under this Act or under such rules or by-laws, or

(ii) that any alteration of, or addition to, any building or any other work made or done for any purpose in, to or upon any building, has been commenced or is being carried on or has been completed in breach of, or otherwise than in accordance with, any sanction granted under section 387 in contravention of the provisions of section 396 or 397, or

(iii) that any alteration required by any notice issued under rule 22 of Schedule XVI has not been duly made,

he may, without prejudice to any action that may be taken under any other provision of this Act, by written notice require the person responsible to demolish such erection, alteration, addition or other work or to make the alteration, as the case may be, or to show cause why such erection, alteration, addition or other work should not be demolished or the alteration should not be made.

(2) The Commissioner may issue a notice under sub-section (1) notwithstanding the fact that the valuation of such building has been made under Chapter XI for the assessment of the consolidated rate.

¹Substituted for the words "fifteen feet" by sec. 97 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

(Part V.—Chapter XXIV.—Demolition, alteration and stopping of unlawful work.—Sections 414A, 415.)

¹(3) If the person responsible fails—

- (a) to demolish such erection, alteration, addition or other work, or to make the alteration, or
- (b) to show sufficient cause to the satisfaction of the Commissioner or an officer specially appointed by the Corporation with the approval of the State Government in this behalf, as the case may be, why such erection, alteration, addition or other work should not be demolished, or the alteration should not be made,

the Commissioner may order—

- (i) the demolition of the erection, alteration, addition or other work, or
- (ii) the making of the alteration :

Provided that a copy of the order shall be served upon the owner and the occupier thereof and no such action shall be taken until the expiry of thirty days from the date of the service of the said order.

(4) Notwithstanding anything contained in the foregoing sub-sections, no action shall be taken under this section in respect of any erection, alteration, addition or other work executed more than twelve years before the issue of the notice under sub-section (1) :

Provided that the onus of proving that the work was done more than twelve years previously shall lie on the person responsible.

(5) In this section the expression "person responsible" includes the owner, the occupier and any other person who executes the erection, alteration, addition or other work or who is liable to make any alteration required by any notice issued under rule 22 of Schedule XVI.

ago 437—

In section 414A,—

- (a) for the words "and the Tribunal", substitute the words "and the President of the Tribunal";
- (b) for the words "it may think fit", substitute the words "he may think fit".

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ion 414 may,
ent an appeal
al constituted
the execution
ay think fit or
Appeal.

(Substituted by West Ben. Act VI of 1967, section 8.)

[No. 5, dated the 1st May, 1970.]

415. (1) In any or the following cases, namely—

- (a) if, within the period prescribed in any notice issued under section 353, sub-section (1), requiring the removal or alteration of a verandah, platform or other similar structure or a fixture, the same be not duly removed or altered, or

Demolition
or altera-
tion of
work in
other cases.

¹Substituted for the existing sub-section by sec. 98 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²This section 414A were inserted by sec. 99 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

[West Ben. Act

(Part V.—Chapter XXIV.—Demolition, alteration and stopping of unlawful work.—Section 415.)

- (b) if the owner of any building erected or added to between a street alignment and the building-line fails to remove such building or addition when called upon by the Corporation to do so under section 35^c, or
- (c) if the owner of any building, which is unfit for human habitation, fails to demolish such building when required to do so under section 433, sub-section (2), or
- (d) if any privy or urinal be placed in contravention of rule 20 or rule 21, sub-rule (1), of Schedule XIV, or
- (e) if, within the period prescribed in any notice issued under rule 3, sub-rule (5), of Schedule XV, requiring the owner or occupier of a building to comply with any condition on which the erection of any verandah or other projection was permitted, such condition is not complied with, or
- (f) if, within the period prescribed in any notice issued under rule 3, sub-rule (6), Schedule XV, requiring the owner or occupier of a building to remove a verandah or other projection, the same be not duly removed, or
- (g) if, within the period prescribed in any notice issued under rule 7, sub-rule (2), of Schedule XVI, requiring the owner of a building to remove or alter an external roof or wall made of inflammable material, the same be not duly removed or altered, or
- (h) if any owners or occupiers neglect to execute any works or to take any measures required by any notice affixed under rule 7, sub-rule (1), of Schedule XVII,

the Commissioner may make an order directing that the projection, building, block of buildings, verandah, platform, fixture, additions, roof, wall, privy or urinal, as the case may be, shall be demolished by the owner or occupier thereof who may be responsible or altered by such person to the satisfaction of the Commissioner within the time specified in the order. If such person fails to carry out such direction within such time, the Commissioner may **** cause such structure to be demolished or altered at the expense of such person :

Provided that the Commissioner shall not make any order under this section without giving the owner and occupier of the structure to be so demolished or altered an opportunity of being heard on their behalf :

^cThe words and commas, "with the previous approval of the Standing Buildings Committee," were omitted by sec. 71 of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1958).

XXXIII of 1951.]

(Part V.—Chapter XXIV.—Demolition, alteration and stopping of unlawful work.—Section 416.—Chapter XXV.—Lighting and scavenging, and regulation of public bathing and washing.—Section 417.)

Provided also that the Commissioner may make any such order notwithstanding the fact that a valuation of such building has been made under Chapter XI for the assessment of the consolidated rate.

(2) The provision of sub-section (4) of section 414 shall apply *mutatis mutandis* to action taken under this section.

416. (1) In any case in which the erection of a new building, or any other work referred to in section 414, has been commenced, or is being carried on unlawfully as mentioned in that section, the Commissioner may, by written notice, require the person carrying on such erection or other unlawful work to stop the same forthwith.

Power to Commissioner to stop progress of building work unlawfully commenced or carried on.

(2) If any notice issued under sub-section (1) is not duly complied with, the Commissioner may, with the assistance of the police, if necessary, take such steps as he may deem needful in order to stop the continuance of the unlawful work.

(3) The Commissioner, if he considers it necessary, may depute any police or municipal officer to watch the premises in order to prevent the continuance of the unlawful work ; and the cost of such deputation of any police or municipal officer shall be borne by the person to whom the said notice was addressed.

CHAPTER XXV.

LIGHTING AND SCAVENGING, AND REGULATION OF PUBLIC BATHING AND WASHING.

Lighting.

417. (1) The Corporation shall—

- (a) take measures for lighting, in a suitable manner, the public streets, squares and gardens and municipal markets and all buildings vested in the Corporation ;
- (b) procure, erect and maintain such number of lamps, lamp-posts and other appurtenances as may be necessary for such lighting ; and
- (c) cause such lamps to be lighted by means of oil, gas, electricity or such other light as the Corporation may from time to time determine.

Provision for lighting of public streets, squares, gardens, markets and buildings.

(2) The Corporation may itself or in conjunction with any firm or company, and in accordance with such rules as may be made by the Corporation, erect plants and machineries for the generation of power and production of gas for the purpose of lighting.

[West Ben. Act

(Part V.—Chapter XXV.—Lighting and scavenging, and regulation of public bathing and washing.—Sections 418, 419.)

(3) The Corporation may place and maintain—

- (i) electric wires or gas-pipes for the purpose of lighting such lamps under, over, along or across any immovable property, and
- (ii) posts, poles, standards, stays, struts, brackets, tunnels, culverts or any other suitable contrivance for carrying, suspending or supporting such lamps, gas-pipes or electric wires in or upon any immovable property :

Provided that such pipes, wires, posts, poles, standards, stays, struts, brackets, tunnels, culverts or other contrivance shall be so placed as to occasion as little damage, detriment, inconvenience or nuisance to any person as the circumstances permit :

¹Provided further that the Corporation may, for carrying, suspending, supporting or affixing such lamps and any electric wires, fittings, attachments, appliances, equipment, apparatus and installations as may be necessary in connection with the working of the lamps, enter into an agreement with any firm or company for using, on terms and conditions mutually agreed upon, any posts, poles or standards erected and maintained by the firm or company.

(4) Notwithstanding anything contained in the Indian Electricity Act, 1910, the Corporation shall not be liable, except on the ground of negligence, to any claim for compensation for any damage, detriment, inconvenience or nuisance caused by it, or by any one employed by it, in the exercise of any of the powers conferred by sub-section (3).

X of 1910.

Provision
for lighting
of private
street by
Corpora-
tion on
application
of owner.

418. The Corporation, on the application of the owners of a private street, may enter into arrangements for the lighting of such street on such terms as may be agreed upon between it and such owners, and shall thereafter in respect of such street have all the powers conferred by section 417.

Streets
etc., not
to be
constructed
over
municipal
gas-pipe
without
permission.

419. (1) Without the written permission of the Commissioner—

- (a) no private street shall be constructed, and
- (b) no building, wall or other structure shall be newly erected over any gas-pipe or electric cable belonging to the Corporation.

¹This further provision was added by sec. 8 of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XII of 1958).

XXXIII of 1951.]

(Part V.—Chapter XXV.—Lighting and scavenging, and regulation of public bathing and washing.—Sections 420—423.)

(2) If any private street be so constructed, or if any building, wall or structure be so erected, the Commissioner may cause the same to be removed or otherwise dealt with as he may think fit,

and the Commissioner may, in accordance with such rules as may be made by the Corporation, direct that the expenses incurred by the Corporation in so doing shall be paid by the owner thereof or by the person offending.

420. If during excavation or any other operation for the purpose of construction of any building or any other structure or for doing any work, any gas-pipe or electric cable is touched or likely to be touched, the Commissioner or any officer authorised by him in this behalf shall have the power to stop forthwith such excavation or other operation until the matter is decided to the satisfaction of the Corporation.

Power of Commissioner to stop excavation.

Keeping of animals.

421. No person shall—

- (a) keep or suffer or permit to be kept any animal on his premises so as to be a nuisance or dangerous ; or
- (b) feed any animal, or suffer or permit any animal to be fed or to feed, with or upon sewage or offensive matter.

Prohibition as to keeping animals.

422. Any swine found straying may be destroyed or otherwise disposed of as the Commissioner may direct, and no claim shall lie for compensation for any swine so destroyed or disposed of

Stray swine.

Scavenging.

423. (1) The Corporation shall provide or appoint, in proper and convenient situations, public receptacles, depots and places for the temporary deposit or final disposal of rubbish, offensive matter, sewage and the carcasses of dead animals accumulating in Calcutta :

Provision or appointment of receptacles, depots and places for deposit or disposal of rubbish, offensive matter, sewage and carcasses.

Provided as follows :—

- (i) the said things shall not be finally disposed of in any place or manner in which the same have not heretofore been so disposed of without the sanction of the Corporation, or in any place or manner which the State Government may disallow ;
- (ii) the powers conferred by this section shall be exercised in such manner as in the opinion of the Commissioner will create the least practicable nuisance.

[West Ben. Act

(Part V.—XXV.—Lighting and scavenging, and regulation of public bathing and washing.—Section 424.)

(2) Any land that may be required in a *bustee* for the temporary deposit of rubbish, offensive matter, sewage or carcasses taken from land or buildings in such *bustee* shall be provided by the owner of the *bustee*.

(3) All things deposited in receptacles, depots or places provided or appointed under this section shall be the property of the Corporation.

Collection
and
temporary
deposit of
rubbish
and offen-
sive matter
by occu-
piers of
premises.

424. (1) ¹[The Commissioner may], by public notice, direct that all rubbish and offensive matter accumulating in any premises in any street or quarter of Calcutta specified in the notice shall be collected by the occupier of such premises and deposited in a box, basket or other receptacle to be provided by the Corporation and paid for by the owner or occupier as the case may be and kept near the entrance to, or, where open space is available, within, the premises, from where it may be collected by the staff of the Corporation.

(2) ¹[The Commissioner may] cause public dustbins or other convenient receptacles to be provided at suitable intervals and in proper and convenient situations in streets or quarters in respect of which no notice issued under sub-section (1) is for the time being in force,

and may, by public notice, direct that all rubbish and offensive matter accumulating in any premises, the entrance to which is situated within ²[forty-five metres] of any such receptacle, shall be collected by the occupier of such premises and deposited in such receptacle.

(3) ¹[The Commissioner may], by public notice, direct that all rubbish and offensive matter accumulating in any premises, in any street or quarter, in respect of which no notice issued under sub-section (1) or sub-section (2) is for the time being in force, shall be collected and kept by the occupier of such premises in a receptacle of a prescribed type and deposited into a Corporation vehicle which passes by such street or quarter for collection of such rubbish and offensive matter.

(4) In any notice issued under any of the foregoing sub-sections ³[the Commissioner shall] prescribe the hours within which rubbish and offensive matter shall be deposited under this section.

¹These words in sub-sections (1), (2) and (3) were substituted for the words "The Corporation may" by sec. 72(1) of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1958).

²Substituted for the words "fifty yards" by sec. 100 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

³These words were substituted for the words "the Corporation shall" by sec. 72(2) of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1958).

XXXIII of 1951.]

(Part V.—Chapter XXV.—Lighting and scavenging, and regulation of public bathing and washing.—Sections 425—428.)

425. No person shall deposit or cause or permit to be deposited on any street or public place or on any land of the Corporation a carcass of a dead animal, rubbish, offensive matter or sewage except as permitted under the provisions of this Act.

Depositing of carcass, offensive matter or sewage.

426. Notwithstanding anything contained in section 424, when building operations are being carried on in any premises, or when any premises are used for carrying on any manufacture, trade or business, the Commissioner may,—

Collection and removal of rubbish and offensive matter accumulating in the course of business or building operations.

(a) by written notice, direct the person responsible for such building operations or the occupier of the premises, as the case may be, to collect all rubbish and offensive matter accumulating on such premises in the course of such operations, manufacture, trade or business and to remove the same, at such times, in such carts or receptacles and by such routes as may be specified in the notice, to a public receptacle, depot or place provided or appointed under section 423, or

(b) after giving such person or occupier written notice of his intention to do so, himself cause all the rubbish and offensive matter to be removed, and charge the person or occupier for such removal such periodical fee as may be specified in the notice :

Provided that the requisition under clause (a) shall not be enforced by the Commissioner nor shall action be taken by him under clause (b), until such person or occupier has been given an opportunity of being heard within such time as may be specified in the written notice that is served on him.

427. The Corporation shall maintain an establishment for the removal of sewage from privies and urinals which are not connected with a sewer, and of offensive matter and rubbish from receptacles, depots and places provided or appointed under section 423 or under any by-law made under this Act, and for the daily cleansing and scavenging of streets and premises.

Establishment for removal of sewage, etc., and the scavenging of streets.

428. If in any case it is proved that rubbish, offensive matter or sewage has been deposited in any place in contravention of any provision of this Act or any by-law made thereunder, from some land or building, it shall be presumed, unless and until the contrary is proved, that the offence has been committed by the occupier of the said land or building.

Presumption as to offender.

[West Ben. Act

(Part V.—Chapter XXV.—Lighting and scavenging, and regulation of public bathing and washing.—Sections 429, 430.—Chapter XXVI.—Inspection and Regulation of Premises, and of Factories, Trades and Places of Public Resort.—Sections 431, 432.)

Notice to be given by *mehltars*, etc., before withdrawing from work.

429. Subject to the provisions of any law relating to trade unions, industrial disputes or the maintenance of essential services, no *mehhtar* or other servant of the Corporation, who is employed to remove or otherwise deal with sewage, offensive matter or rubbish, shall, without the permission of the Corporation, withdraw from his duties without giving any notice of his intention so to withdraw.

Public bathing and washing.

Construction of places for public bathing, etc.

430. The Corporation may from time to time—

- (a) construct suitable places for use by the public as swimming baths or for bathing, or for washing animals, or for washing or drying clothes, and
- (b) prohibit, by public notice, the use by the public in any specified area, for any of the said purposes, of any place not so constructed.

CHAPTER XXVI.

Inspection and Regulation of Premises, and of Factories, Trades and Places of Public Resort.

Premises generally.

Inspection and regulation of premises.

431. Subject to the provisions of this Act, land and buildings shall respectively be inspected, cleansed, secured, repaired, drained, or otherwise regulated in accordance with the rules contained in Schedule XVII.

Procedure in cases of buildings deemed unfit for human habitation.

432. (1) If, for any reason, any building or portion of a building intended for, or used as, a dwelling-place appears to the Commissioner to be unfit for human habitation, he may, if he considers that the building or the portion thereof can be altered to make it fit for human habitation, require the owner of such building to make such alterations in the building as he thinks necessary within a period specified in the requisition. In case, where the Commissioner considers that the building or the portion thereof cannot be so altered as to make it fit for human habitation, or where the building or portion thereof is not so altered as required by the Commissioner, the Commissioner may apply to the ¹[Standing Health Committee] to prohibit the further use of such building or portion thereof for such purpose ;

¹These words were substituted for the words "Standing Committee dealing with health (hereinafter referred to as the Standing Health Committee)" by sec. 7A of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act, XIX of 1958).

XXXIII of 1951.]

(Part V.—Chapter XXVI.—Inspection and Regulation of Premises, and of Factories, Trades and Places of Public Resort.—Section 433.)

and the Standing Health Committee shall serve a notice on such owner or occupier so as to give him an opportunity of being heard and, after such inquiry as it thinks fit to make, may, by written order prohibit the further use thereof, or may pass such other order as it may deem just and proper.

(2) When any order is made by the Standing Health Committee under sub-section (1), the Commissioner shall take such steps as may be necessary to enforce such order and where such order prohibits further use of the building or any portion thereof, the Commissioner may—

- (i) inspect such building by day or by night, and
- (ii) take such order as may be necessary to preclude the further use of the same, or of the portion specified in the prohibition, as a human habitation.

(3) When any order under sub-section (1) is made prohibiting the use of a building or the portion of a building, no owner or occupier of such building shall use, or suffer the same, or the portion specified in the prohibition, to be used for human habitation until the Standing Health Committee on the report of the Commissioner, by written order, withdraws the prohibition.

(4) The Commissioner shall prepare and maintain at the Municipal Office a list of buildings in respect of which the Standing Health Committee has passed an order under sub-section (1), and such list shall contain such particulars as to the action taken by the Corporation or the owner or occupier in pursuance of such order or otherwise, as the Commissioner shall think fit and shall be open to inspection by the public free of charge.

433. (1) When the Standing Health Committee has prohibited the use of a building for human habitation under section 432 and such prohibition has been in force for one month, the Standing Health Committee shall take into consideration the question of the demolition of such building,

Power to Corporation to require demolition of building unfit for human habitation.

and shall give notice of the time (being some time not less than fifteen days after the service of the notice) and place at which such question will be considered to the owner and to the occupier (if any) of the building,

and the said owner and occupier shall be entitled to be heard when the question is so taken into consideration.

(2) If, upon such consideration, the Standing Health Committee is of opinion that the building or any portion thereof should be demolished it shall report the matter to the Corporation for final decision,

[West Ben. Act

(Part V.—Chapter XXVI.—Inspection and Regulation of Premises, and of Factories, Trades and Places of Public Resort.—Sections 434, 435.)

and the Corporation shall, if it considers that the building should be demolished, cause a written notice to be served on the said owner and occupier and also to be put on some conspicuous part of such building, requiring such owner and occupier to demolish the building or any portion thereof, as the case may be, within such time as may be specified in the notice.

Power to
Commissioner to
call for
statement
of accom-
modation.

434. (1) The owner of any building shall, within a period of a fortnight after receipt of a written notice from the Commissioner requiring him to do so, submit to the Commissioner a signed statement of the following particulars with respect to such building or any part thereof, namely,—

- (a) the total number of rooms in the building,
- (b) the length, breadth and height of each room, and
- (c) the name of the person, if any, to whom he has let the building or each part of the building occupied as a separate tenement, with the particulars specified in clauses (a) and (b) in regard to each such part.

(2) The occupier of any building or of any part of any building occupied as a separate tenement shall, on like notice and within the like period, submit a signed statement of the following particulars with respect to the building or part thereof, as the case may be, which is in his occupation, namely,—

- (i) the total number of persons dwelling in such building or part, and
- (ii) the total number of adults and the total number of children occupying each room used for sleeping.

Abatement
of over-
crowding
in dwell-
ing-house
or dwell-
ing-place.

435. (1) If it comes to the knowledge of the Commissioner from a statement received under section 434 or after an inspection made under rule 1 of Schedule XVII, or in any other way, that a dwelling-house, or a public building or hut which is used as a dwelling-place, or any room in any such house, public building or hut, is so overcrowded as to endanger the health of the inmates thereof, he may require the owner to abate such overcrowding in the manner specified in such requisition. After giving the owner the opportunity of being heard in regard to such requisition, the Commissioner shall report the matter to the Standing Health Committee and with its approval direct him within such time as the Commissioner may fix, to take such measures as thought fit to abate such overcrowding. If the owner fails to take such measures, the Commissioner may apply to the Magistrate to abate such overcrowding.

The Magistrate, after such inquiry as he thinks fit to make may, by written order, require the owner of the building or room, within such time as the Magistrate may prescribe in the said order, to abate such overcrowding by reducing the number of lodgers, tenants or other inmates of the building or room, or may pass such other order as he may deem just and proper.

XXXIII of 1951.]

(Part V.—Chapter XXVI.—Inspection and Regulation of Premises, and of Factories, Trades and Places of Public Resort.—Sections 436, 437.)

Every such order shall be binding and operative on the owner as well as on the occupier, and every occupier shall, on the written requisition of the Commissioner informing him of the order, be bound to vacate the same within such time as may be specified in such requisition.

(2) If the owner of any building or room referred to in subsection (1) has sublet the same, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the building or room.

Factories, trades and places of public resort.

436. (1) No person shall, without the previous written permission of the Commissioner, establish in any premises, or materially alter, enlarge or extend, any factory, workshop or workplace in which it is intended to employ steam, electricity, water or other mechanical power.

Factory, etc., not to be established, etc., without permission of the Commissioner.

(2) The Commissioner may, in accordance with such rules as may be made by the Corporation, refuse to give such permission, if he is of opinion that the establishment, alteration, enlargement or extension of such factory, workshop, or workplace in the proposed position would be objectionable by reason of the density of the population in the neighbourhood thereof, or would be a nuisance to the inhabitants of the neighbourhood.

437. (1) No person shall use or permit ¹[or suffer] to be used any premises for any of the following purposes without or otherwise than in conformity with the terms of a license granted by the Commissioner in this behalf, namely,—

Promises not to be used for certain purposes without a license.

- (a) any of the purposes specified in Schedule XVIII ;
- (b) any purpose which is, in the opinion of the Corporation ² * * * * * dangerous to life, health or property, or likely to create a nuisance ;
- (c) keeping horses, cattle or other four-footed animals or birds for sale or hire or for sale of the produce thereof ; or
- (d) storing for other than his own domestic use or selling timber, firewood, charcoal, coal, coke, ashes, hay, grass, straw or any other combustible thing :

¹These words were inserted by sec. 74 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

²The words and brackets "(which opinion shall be conclusive and shall not be challenged in any Court)" were omitted by sec. 101 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

[West Ben. Act

(Part V.—Chapter XXVI.—Inspection and Regulation of Premises, and of Factories, Trades and Places of Public Resort.—Section 438.)

Provided that the Corporation may declare that premises in which the aggregate quantity of combustible articles stored for sale does not exceed such quantity as the Corporation may prescribe in respect of any such articles shall be exempted from the operation of clause (d).

(2) In prescribing the terms of a license granted under this section for the use of premises as mills or iron yards or for similar purposes, the Commissioner may, when he thinks it necessary, require the licensee to provide a space or passage within the premises for carts for loading and unloading purposes.

(3) The Corporation shall fix a scale of fees to be paid in respect of premises licensed under sub-section (1) :

Provided that no such fee shall exceed five hundred rupees.

Seizure of
certain
animals.

438. (1) If any horses, cattle, or other four-footed animals or birds are kept on any land or premises in contravention of the provisions of section 437, or are found roaming or tethered on any street or public place or on any land belonging to the Corporation, the Commissioner or any officer empowered by him, may seize them and may cause them to be impounded or removed to such place as may be appointed by the State Government or the Corporation for this purpose ; and the cost of seizure of these animals or birds and of impounding or ¹[of removing them as aforesaid or of maintaining them] shall be recoverable by sale by auction of these animals or birds :

Provided that any one claiming such animals or birds may, within seven days of the seizure, get them released on his paying all expenses incurred by the Corporation in seizing, impounding ²[, removing or maintaining them], and on his producing a licence for keeping these animals or birds issued under the provisions of section 437.

³(1A) The proceeds of the sale by auction of any animal or bird under sub-section (1) shall be applied in defraying the expenses incurred on account of the seizure, impounding or removal, and maintenance of the animal or bird and also of holding the sale ; and the surplus, if any, shall be held in deposit by the Commissioner, and, if not claimed by the owner of the animal or bird within a period of ninety days from the date of the sale, shall be paid to the credit of the Municipal Fund.

¹These words were substituted for the words " removing them" by sec 75 (1)(7) of the Calcutta Municipal (Amendment) Act, 1958 (West B. n. Act XIX of 1958).

²These words were substituted for the words " or removing" by sec. 75(1)(b) of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1958).

³Sub-section (1A) was inserted by sec. 75(8), *ibid.*

XXXIII of 1951.]

(Part V.—Chapter XXXI.—Inspection and Regulation of Premises and of Factories, Trades and Places of Public Resort.—Sections 439, 440.)

(2) Whenever the Commissioner is of opinion that the user of any premises for any of the purposes referred to in section 437, sub-section (1), is causing a nuisance and such nuisance should be immediately stopped, the Commissioner may order the owner or the occupier of the premises to stop such nuisance within such time specified in the order as the Commissioner considers reasonable, and in the event of the failure of the owner or the occupier to comply with such order, the Commissioner may himself or by an officer subordinate to him, cause such user to be stopped.

439. (1) The Corporation may give public notice of its intention to declare that in any area specified in the notice no person shall use any premises for any of the purposes referred to in section 437, sub-section (1), which may be specified in such notice.

(2) No objections to any such declaration shall be received after a period of one month from the publication of such notice.

(3) The Corporation shall consider all objections received within the said period, * * * * * and may thereupon make a declaration in accordance with the notice published under sub-section (1), with such modifications (if any) as it may think fit, but not so as to extend its application.

(4) Every such declaration shall be published in the *Official Gazette*, and in such other manner as the Corporation may determine, and shall take effect from the date of such publication in the *Official Gazette*.

(5) No person shall in any area specified in any declaration published under sub-section (4) use any premises for any of the purposes, referred to in section 437 specified in the declaration and the Commissioner shall have the power to stop such use of any such premises.

440. Whenever a Magistrate convicts any person under section 537 for using or permitting the use of any premises for any purpose in contravention of section 437, he shall, if it is proved to his satisfaction that such premises are kept in such a state as to be a nuisance, also direct that the use of the premises for such purpose shall be stopped within a specified period. If at the end of such period such use of the premises does not stop, the Commissioner may have such use of the premises stopped forthwith.

Power to Corporation and to Commissioner to prevent use of premises in particular areas for purposes referred to in section 437.

Discontinuance of use of premises for particular purpose, when kept so as to be a nuisance.

¹The words "giving any person affected by the said notice an opportunity of being heard by it during such consideration," were omitted by sec. 103 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

[West Ben. Act

(Part V.—Chapter XXVI.—*Inspection and Regulation of Premises, and of Factories, Trades and Places of Public Resort.*—Sections 441, 442.)

Prohibition of fouling of water in carrying on trade or manufacture.

441. (1) No person engaged in any trade or manufacture specified in Schedule XVIII shall—

- (a) wilfully cause or suffer to flow or be brought into any tank, reservoir, cistern, well, duct or other place for the storage or accumulation of water belonging to the Corporation or into any drain or pipe communicating therewith, any washing or other substance produced in the course of such trade or manufacture ; or
- (b) wilfully do any act connected with any such trade or manufacture whereby the water in any such tank, reservoir, cistern, well, duct or other place is fouled or polluted.

(2) The Commissioner may, after giving not less than twenty-four hours' previous notice in writing to the owner or to the person who has the management or control of any works, pipes or conduits connected with any such manufacture or trade, lay open and examine the said works, pipes or conduits.

(3) If upon such examination, it appears that sub-section (1) has been contravened by reason of anything contained in or proceeding from the said works, pipes or conduits, the expenses of such laying open and examination, shall be paid by the owner of the said works, pipes or conduits, or by the person who has the management or control thereof, or through whose neglect or fault the said sub-section has been contravened. If the Corporation in its discretion requires any measure to be adopted for the discontinuance of the cause of such contravention, the expenses of such measure being adopted shall also be paid by such owner.

Eating-houses, etc., not to be used without license from Commissioner.

442. (1) No person shall, without or otherwise than in conformity with the terms of a license granted by the Commissioner in this behalf, keep any eating-house, tea-shop, hotel, boarding-house, bakery, aerated water factory, ice factory or other place where food is sold or prepared for sale :

Provided that the annual fee payable for any such license shall in no case exceed twenty rupees.

(2) The Commissioner may at any time cancel or suspend any such license if he is of opinion that the premises covered thereby are not kept in conformity with the conditions of such license or the provisions of any by-law made under section 527, relating to such premises, whether the licensee is prosecuted under this Act or not.

XXXIII of 1951.]

(Part V.—Chapter XXVI.—Inspection and Regulation of Premises, and of Factories, Trades and Places of Public Resort.—Sections 443, 444.—Chapter XXVII.—Markets and Slaughter-places.—Sections 445, 446.)

443. No person shall, without or otherwise than in conformity with the terms of a license granted by the Commissioner in this behalf, keep open any theatre, circus, cinema-house, dancing hall or other similar place of public resort, recreation or amusement:

Ideas and control of theatres, circuses and places of public amusement.

Provided that this section shall not apply to private performances in any such place.

444. If the Commissioner is of the opinion that any eating-house, tea-shop, hotel, boarding-house, bakery, aerated water factory, ice factory or other place where food is sold or prepared for sale or any theatre, circus, cinema-house, dancing hall or similar other place of public resort, recreation or amusement is kept open, as the case may be, without or otherwise than in conformity with the terms of a licence granted therefor, ¹[he may, by order, stop] the use of any such premises for any such purpose for a specified period, after recording the reasons of such opinion:

Power of Commissioner to stop use of premises when used without or otherwise than in conformity with terms of license.

²Provided that no such order shall be made until the licensee or other person so keeping the premises open has been given an opportunity of being heard.

CHAPTER XXVII.

MARKETS AND SLAUGHTER-PLACES.

445. Markets may be ³[classified by the Commissioner] into different classes in accordance with such rules as may be made by the Corporation for the purpose.

Power to classify markets.

446. (1) The Corporation may—

- (a) construct, purchase or take on lease any land or building for the purpose of establishing a new municipal market or a new municipal slaughter-house or municipal stock-yard, or improving any existing municipal market, municipal slaughter-house or municipal stock-yard, and

Power to Corporation to provide and maintain municipal markets, slaughter-houses and stock-yards.

¹These words were substituted for the words "he may stop" by sec. 76(1) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

²This proviso was added by sec. 76(2), *ibid.*

³Substituted for the words "classified by the Corporation" by sec. 108 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

[West Ben. Act]

(Part V.—Chapter XXVII.—Markets and Slaughter-places.—Sections 447—450.)

- (b) from time to time build and maintain in such municipal markets, municipal slaughter-houses and municipal stock-yards, such stalls, shops, sheds, pens and other buildings or conveniences for the use of persons carrying on trade or business in, or frequenting, such markets, slaughter-houses or stock-yards, and provide and maintain in such municipal markets such buildings, places, machines, and correct weights, scales and measures for weighing and measuring goods sold therein, as it may think fit.

(2) Municipal slaughter-houses and municipal stock-yards may be situated within or, with the sanction of the State Government, without Calcutta.

Prohibition of business or trade as a hawker or squatter near a municipal market.

447. No person shall, within a radius of ¹[forty-five metres] from the outward confines of a municipal market as specified in sub-clause (a) of section 5, clause (42), carry on any business or trade as a hawker or squatter or shall carry on any business of, or sell any meat, fish or vegetables.

The Commissioner shall have the power to close any such business or trade.

Power so Corporation to close municipal markets, slaughter-houses and stock-yards.

448. The Corporation after giving general notice may after a date to be specified in the notice close any municipal market, municipal slaughter-house or municipal stock-yard or any portion thereof; and the premises occupied for any market, slaughter-house or stock-yard or portion so closed may be disposed of as the property of the Corporation.

Power to Commissioner to license vendors in municipal markets.

449. (1) No person shall, without a license from the Commissioner sell or expose for sale any animal, article or thing whatsoever in any municipal market :

Provided that no fee shall be charged for such license.

(2) Any person contravening sub-section (1) may be summarily removed from such market by any municipal officer or servant under the direction of the Commissioner.

Power to Corporation to permit opening of new private markets.

450. (1) The Corporation shall from time to time determine whether the establishment of new private markets shall be permitted in Calcutta or in any specified portion thereof.

(2) No person shall establish a place of the description referred to in sub-clause (a), section 5, clause (42), except with the sanction of the Corporation.

¹Substituted for the figures and word "50 yards" by sec. 104 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

**(Part V.—Chapter XXVII.—Markets and Slaughter-places.—
Section 451.)**

(3) When the establishment of a new private market has been so sanctioned, the Commissioner shall cause a notice of such sanction to be affixed in the English, Bengali, Hindi and Urdu languages on some conspicuous spot on or near the building or place where such market is to be established.

451. (1) No person shall, without or otherwise than in conformity with the terms of a license granted by the Commissioner in this behalf—

- (a) keep open any private market, or wilfully or negligently permit any place to be used as a private market ;
- (b) use any place in Calcutta as a slaughter-house or stock-yard, or for the slaughtering of any animal intended for human consumption ;
- (c) use any place without Calcutta, whether as a slaughter-house or otherwise, for the slaughtering of any animal intended for human consumption in Calcutta ; or
- (d) use any place that may be set apart by the Corporation in this behalf for the sacrifice of animals in accordance with religious custom and for the sale of flesh thereof:

Power to
Commissioner to
license
private
markets,
slaughter
houses
and stock-
yards.

Provided as follows :—

- (i) the Commissioner shall not refuse, suspend or cancel any license for keeping open a private market for any cause other than the failure of the owner thereof to comply with some provision of this Act, or with some by-law made under section 527 at the time in force ;
- (ii) nothing in the foregoing provisions of this section shall be deemed to prohibit the slaughter of any animal in any place as a part of any religious festival or ceremony.

(2) Every such license shall be renewable annually on the certificate of the Health Officer.

(3) There shall be paid for every license granted under subsection (1) such annual fee as may be prescribed by the Corporation.

(4) If any private market or any place set apart under subsection (1), clause (d) be closed for more than half of any year for which a fee has been paid, the Corporation may refund the whole or any portion of the fee so paid for that year.

(5) When the Commissioner has refused, suspended or cancelled any license ¹[in respect of] a private market, he shall cause a notice of his having done so to be affixed in the English, Bengali, Hindi and Urdu languages on some conspicuous spot on or near the building or place where such market has been held.

¹These words were substituted for the words "to keep open" by sec. 77 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

[West Ben. Act

(Part V.—Chapter XXVII.—Markets and Slaughter-places.—Sections 452—454.)

Power to Magistrate to close unauthorised private market ¹[slaughter-house or stock-yard].

452. Whenever a Magistrate convicts any person under section 537 for keeping open a private market or permitting any place to be used as a private market ²[or using any place as a slaughter-house or stock-yard] in contravention of section 451 he shall, on the application of the Commissioner, but not otherwise, also direct that ³[such market, slaughter-house or stock-yard] be closed and take other steps, to prevent the place being used as a market ⁴[or slaughter-house or stock-yard].

Prohibition of use of market ⁵[slaughter-house or stock-yard] so closed.

453. No person shall use as a market ⁶[or slaughter-house or stock-yard] any place in respect of which a direction has been given by a Magistrate under section 452.

Power to Commissioner to require paving and draining of private markets, etc., and to alter structures in such markets.

454. The Commissioner may, in accordance with such rules as may be made by the Corporation, by written notice, require the owner or occupier of any private market, private slaughter-house, stock-yard or place set apart under sub-section (1) of section 451, clause (d)—

- (a) to cause the whole or any portion of the floor of the market-building, market-place, slaughter-house or a place set apart as aforesaid to be raised or paved with dressed stone or other suitable material,
- (b) to cause such drains to be made in or from the market-building, market-place, slaughter-house or place set apart as aforesaid, of such material, size and description, at such level, and with such outfall as to the Commissioner may appear necessary, and
- (c) to cause any shop, stall, shed or other structure in any such private market to be altered or improved in such manner as the Commissioner may consider necessary.

¹These words were inserted by sec. 78(1) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

²These words were substituted for the words "such market" by sec. 78(2), *ibid.*

³These words were added by sec. 78(3), *ibid.*

⁴These words and comma in the marginal note were added by sec. 78(4), *ibid.*

⁵These words were inserted by sec. 79(1), *ibid.*

⁶These words and comma in the marginal note were inserted by sec. 79(2), *ibid.*

XXXIII of 1951.]

**(Part V.—Chapter XXVII.—Markets and Slaughter-places.—
Sections 455, 456.)**

455. (1) The Commissioner may—

- (a) define or determine the limits of any private market, or declare what portions of such market shall be made part of the existing approaches, roads, passages and ways to and in such market, and
- (b) after hearing the owner or occupier of such market, by written notice, require such owner or occupier to—
 - (i) lay out, construct, alter, clear, widen, pave, drain and light, to the satisfaction of the Commissioner, such approaches, roads, passages and ways to and in such market,
 - (ii) provide such conveniences for the use of persons resorting to such market, as the Commissioner may think fit, and
 - (iii) provide adequate ventilation and lighting of the market-building or any portion thereof, including shops, and stalls, to the satisfaction of the Commissioner.

Power to Commissioner to define limits of market, and to require provision and maintenance of market approaches, etc.

(2) The Commissioner, after hearing the owner or occupier of any private market may, by written notice, require such owner or occupier to maintain in proper order the approaches, roads, passages and ways to and in such market, and such other conveniences as are provided for the use of persons resorting thereto.

(3) The Commissioner shall cause a notice of the limits of any market, defined under sub-section (1), to be affixed in the English, Bengali, Hindi and Urdu languages on some conspicuous spot on or near the building or place where such market is held.

456. The Corporation may—

- (a) charge such stallages, rents and fees—
 - (i) for the occupation or use of any stall, shop, standing, shed or pen in a municipal market, municipal slaughter-house or municipal stock-yard,
 - (ii) for the right to expose goods for sale in a municipal market,
 - (iii) for the use of machines, weights, scales and measures provided under section 446 for any municipal market, and
 - (iv) for the right to slaughter animals in any municipal slaughter-house, and for the feed of such animals before they are ready for slaughter,

Power to Corporation to levy charges, farm rents, etc., in municipal markets, etc.

as may from time to time be fixed by it in this behalf; or,

- (b) farm the stallages, rents and fees leviable as aforesaid, or any portion thereof, for such period as it may think fit; or

[West Ben. Act

*(Part V.—Chapter XXVII.—Markets and Slaughter-places.—
Sections 457, 458.)*

- (c) put up to public auction, or dispose of by private sale, the privilege of occupying or using any stall, shop, standing, shed, or pen in a municipal market, municipal slaughter-house or municipal stock-yard, for such period and on such conditions as it may think fit.

By-laws
and table
of charges
to be
posted up
in markets
and
slaughter-
houses.

457. (1) A printed copy of the by-laws made under section 527 and of the table of stallages, rents and fees, if any, in force in any market or slaughter-house under section 456, in the English, Bengali, Hindi and Urdu languages, shall be affixed on some conspicuous spot in the market-building, market-place or slaughter-house.

(2) No person shall without lawful authority destroy, pull down, injure or deface any copy of any by-law or table so affixed.

Power to
Commis-
sioner to
expel
person
contraven-
ing by-
laws.

458. (1) The Commissioner after giving the parties concerned an opportunity of being heard, may in accordance with such rules as may be made by the Corporation—

- (a) expel from any municipal market, municipal slaughter-house or municipal stock-yard, for such period as he may think fit, any person who or whose servant has been convicted of contravening any by-law made under section 527, at the time in force in such market, slaughter-house or stock-yard,
- (b) prevent such person, by himself or his servants, from further carrying on any trade or business in such market, slaughter-house or stock-yard, or occupying any stall, shop, standing, shed, pen or other place therein, and
- (c) determine any lease or tenure which such person may have in any such stall, shop, standing, shed, pen or place.

(2) If the tenant, or the agent of the tenant, of the owner or lessee of any private market or slaughter-house has been convicted for contravening any by-law made under section 527 and specified by the Corporation in this behalf, the Commissioner may require such tenant or agent to remove himself from such market or slaughter-house, within such time as may be mentioned in the requisition, and if he fails to comply with such requisition, he may, in addition to any penalty which may be imposed on him under this Act, be summarily removed from such premises by the owner or lessee thereof or by the servants of such owner or lessee.

(3) If it appears to the Commissioner that in any such case the owner or lessee is acting in collusion with a tenant or agent convicted as aforesaid who fails to comply with a requisition issued under sub-section (2), the Commissioner may, if he thinks fit, cancel the license of such owner or lessee in respect of such premises.

XXXIII of 1951.]

*(Part V.—Chapter XXVII.—Markets and Slaughter places.—
Section 459.—Chapter XXVIII.—Food and Drugs.—Section
460.)*

459. Whenever an emergency arises which in the opinion of the Corporation makes it advisable to open depots or shops for the purpose of trading in food-stuffs, fuel, cloth and other similar necessities of life, it may, with the previous sanction of the State Government and subject to such conditions and limitations as the State Government may prescribe, open such depots or shops for any such purpose.

Depots or shops for trading in food-stuffs, etc., in cases of emergency.

CHAPTER XXVIII.

Food and Drugs.

Sale of food and Drugs.

460. (1) No person shall, without or otherwise than in conformity with the terms of a license granted by the Commissioner in this behalf—

Licensing of butchers and of sale of meat, etc., outside market.

(a) carry on within Calcutta, or at any municipal slaughter-house without Calcutta, the trade or business of a butcher ; or

(b) sell or expose or hawk about for sale any animal, or any meat or fish intended for human consumption, in any place other than a municipal market or a private market.

¹(1A) If the Commissioner is of the opinion that in any place the trade or business of a butcher is being carried on, or that in any place other than a municipal market or a private market, any animal or any meat or fish intended for human consumption is being sold or exposed or hawked about for sale, without or otherwise than in conformity with the terms of a license granted therefor, he may, by order, stop the use of such place for any such purpose after recording the reasons for such opinion :

Provided that no such order shall be made until the licensee or other person has been given an opportunity of being heard.

¹(1B) No person shall sell or expose or hawk about for sale any meat obtained from an animal unless the skinned carcass of the animal is stamped in such manner as the Commissioner may, by general orders made in this behalf, require in token of the fact that the animal has been slaughtered in a municipal or a licensed slaughter-house.

(2) Nothing in clause (b) of sub-section (1) ²[or sub-section (1B)] shall apply to the sale of meat or fish in any hotel or eating house for consumption on the premises.

¹Sub-sections (1A) and (1B) were inserted by sec. 80 (1) of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1958).

²These words, figure and brackets were inserted by sec. 80 (2), *ibid.*

[West Ben. Act

(Part V.—Chapter XXVIII.—Food and Drugs.—Section 461.)

Prohibition of sale, etc., of adulterated or misbranded food or drug.

461. (1) No person shall directly or indirectly, himself or by any other person on his behalf, sell, expose or hawk about for sale, or manufacture or ¹[store for the preparation of any food or drug or for sale], any food or drug which is adulterated or misbranded :

Provided that an offence shall not be deemed to be committed under this section in the following cases, namely :—

- (a) where any matter or ingredient not injurious to health has been added to any article of food or to any drug because the same is required for the production or preparation thereof, as an article of commerce, or to make it fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the article or to conceal the inferior quality thereof; or
- (b) where any article of food or any drug is unavoidably mixed with some extraneous matter in the process of collection or preparation ; or
- (c) where a patent has been granted under any law for the time being in force in respect of any article of food, and the article is sold in the state required by the specification of the patent.

(2) In any prosecution under this section it shall be no defence to allege that the vendor, manufacturer or storer was ignorant of the nature, substance or quality of the article sold, ²[exposed or hawked about] for sale, or manufactured or ³[stored for the preparation of any food or drug or for sale], by him.

(3) In any prosecution under this section the Court shall, unless and until the contrary is proved, presume that any article of food or any drug found in the possession of a person who is in the habit of manufacturing or storing like articles has been manufactured or ⁴[stored for the preparation of any food or drug or for sale] by such person.

¹These words were substituted for the words "store for sale" by sec. 81(1) of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1958).

²These words were substituted for the words "exposed, hawked about" by sec. 81(2)(a), *ibid.*

³These words were substituted for the words "stored for sale" by sec. 81(2)(b), *ibid.*

⁴These words were substituted for the words "stored for sale" by sec. 81(3), *ibid.*

XXXIII of 1951.]

(Part V.—Chapter XXVIII.—Food and Drugs.—Section 462.)

462. (1) No person shall directly or indirectly, himself or by any other person on his behalf, sell, expose or hawk about for sale, or manufacture or store for sale, any of the following articles, namely:—

Prohibition of sale, etc., of certain articles which are not of the prescribed standard of purity.

- (a) milk,
- (b) butter,
- (c) ghee,
- (d) other milk products,
- (e) wheat flour,
- (f) mustard oil,
- (g) tea,
- (h) stalky tea,
- (i) edible oil or edible fat,
- (j) sugar,
- (k) gur, and
- (l) any other article of food or any drug which may be notified¹ by the State Government in that behalf in the *Official Gazette*,

unless the following conditions are fulfilled, namely :—

- (i) in the case of milk (other than condensed, sterilised, or desiccated milk or toned milk)—
 - (a) the animal from which the milk is derived shall be distinctly stated in such manner as the Corporation may, by general or special order, require, and
 - (b) the articles sold, exposed or hawked about for sale, or stored for sale, as the case may be, shall be the natural secretion from the udder of such animal, from which no ingredient has been extracted and to which no water or other substance (including any preservative) has been added, and shall not contain a less proportion of non-fatty solids and of fat than such as the State Government may prescribe (such article is hereinafter referred to as pure milk);
- (ii) in the case of condensed, sterilised, or desiccated milk

* * *

it must be in a hermetically-closed receptacle which shall be labelled and marked in such manner as the State Government may prescribe and the article sold, exposed or hawked about for sale, or stored for sale, as the case may be, shall not contain a less proportion of non-fatty solids and of milk fat than such as the State Government may prescribe;

¹For notifying "sago (sabudana)" for the purpose of sec. 462 (1)(l), see notification No. 8100/M.IC-107/54 dated 18.9.54, published in the *Calcutta Gazette, Extraordinary*, of 1964, Pt. I, pages 1299-1300, as subsequently amended.

²The words "or toned milk" were omitted by sec. 11(a) of the *Calcutta Municipal (Amendment) Act, 1962* (West Ben. Act VIII of 1962).

[West Ben. Act.

(Part V.—Chapter XXVIII.—Food and Drugs.—Section 462.)

(iii) in the case of toned milk—

it shall fulfil such conditions ^{1*} * * as may be prescribed by the State Government;

(iv) in the case of butter—

it shall be exclusively derived from milk or cream (other than condensed, sterilized, desiccated or toned milk), or both, with or without salt and with or without the addition of colouring matter, such colouring matter being of such a nature and in such quantity as not to render the article injurious to health, and shall fulfil such conditions as may be prescribed by the State Government;

(v) in the case of *ghee*—

it shall contain only substances, other than curds, which are derived exclusively from the milk of cows or of buffaloes, and shall fulfil such conditions as may be prescribed by the State Government;

(vi) in the case of other milk products—

(a) in the case of *Dohi*—

it shall be exclusively prepared from pure milk with or without addition of sugar and shall not contain any foreign substance ;

(b) in the case of *Khoa*—

it shall be desiccated product exclusively obtained from pure milk and shall not contain any foreign substance ;

(c) in the case of *Khiri* or *Rabri*—

it shall be thickened product exclusively obtained from pure milk with or without addition of sugar and shall not contain any foreign substance ;

(d) in the case of *Chhana*—

it shall be the curd obtained from pure milk and shall not contain any foreign substance ; and

(e) in the case of cream—

it shall be that portion of pure milk in which the greater part of the milk fat has become concentrated. It shall contain not less than forty *per cent.* of milk fat and shall not contain any foreign substance and shall conform to such standard as may be prescribed by the State Government ;

¹The words, "in addition to the conditions referred to above," were omitted by sec. 11(b) of the Calcutta Municipal (Amendment) Act, 1952 (West Ben. Act VIII of 1952).

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(Part V.—Chapter XXVIII.—Food and Drugs.—Section 462.)

(vii) in the case of wheat flour—

it shall not contain any substance which is not derived exclusively from wheat ;

(viii) in the case of mustard oil—

it shall be derived exclusively from mustard seed ;

(ix) in the case of tea—

it shall be the leaves, leaf-buds and stalks of *Thea Sinensis* prepared by recognised trade processes like fermenting, drying and roasting ; it shall not contain any foreign matter or any tea which has been in any measure deprived of its proper quality, strength or virtue by steeping, infusion, decoction or other means ; any stalks contained in it shall be tender stalks : provided that stalks other than tender stalks, may be present but shall not be more than twenty *per cent.* by weight, the weight of leaves and stalks being obtained after drying at one hundred degrees centigrade and determined under identical conditions.

(x) in the case of stalky tea—

it shall not contain more than fifty *per cent.* of stalks (other than tender stalks) by weight, the weight of leaves and stalks being obtained after drying at one hundred degrees centigrade and determined under identical conditions ; it shall be labelled as stalky tea and shall conform to such standard as may be prescribed by the State Government ;

(xi) in the case of edible oil or edible fat—

it must always conform to the specification or the standard prescribed by the State Government for each type of oil, provided that if a declaration be made that it is not for human consumption, it is denatured in such a way that it can be easily detected by sight or smell ; and

(xii) in the case of sugar—

it shall contain not less than ninety-nine and half *per cent.* of pure sucrose ;

(xiii) in the case of gur—

it shall be the product prepared by inspissating the juice obtained by crushing sugarcane or by tapping palmyra or palm-trees and shall have not more than twelve *per cent.* of moisture, not more than three *per cent.* of solids insoluble in water and shall fulfil such other conditions as the State Government may prescribe in this behalf ;

[West Ben. Act

(Part V.—Chapter XXVIII.—Food and Drugs.—Sections 463, 464.)

(xiv) in the case of any food or drug notified by the State Government under clause (l)—

it shall fulfil such conditions as may be prescribed by the State Government in regard to such food or drug in such notification.

Explanation.—In this sub-section the expression “prescribed” with its grammatical variations shall mean prescribed by notification in the *Official Gazette*.

(2) No person shall directly or indirectly, himself or by any other person on his behalf, sell, expose or hawk about for sale, or manufacture or store for sale, anything which is similar to any of the articles specified in clauses (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k) of sub-section (1), or to any article notified by the State Government under clause (l) of that sub-section under a name which in any way resembles the name of such article.

(3) In any prosecution under this section it shall be no defence to allege that the vendor, manufacturer or storer was ignorant of the nature, substance or quality of the article sold, exposed or hawked about for sale, or manufactured or stored for sale, by him.

(4) In any prosecution under this section the Court shall unless and until the contrary is proved, presume that any of the articles specified in clauses (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k) of sub-section (1), or any article notified by the State Government under clause (l) of that sub-section, found in the possession of a person who is in the habit of manufacturing or storing like articles, has been manufactured or stored for sale by such person.

Registra-
tion of
manu-
factory.

463. (1), Every manufactory of mustard oil, edible oil or edible fat or *ghee* or butter within Calcutta shall be registered by the owner or the person in charge thereof in the Municipal Office in such manner as the Corporation may from time to time direct.

(2) Every owner or person in charge of a manufactory of mustard oil, edible oil or edible fat or *ghee* or butter and every wholesale dealer in such substances, shall keep a register in the form prescribed by the Corporation showing the quantity and destination of each consignment of such substances sent out from his manufactory or place of business, and this register shall be open to inspection by any officer duly authorized by the Corporation in this behalf.

Inspection
of manu-
factory.

464. Any officer duly authorized in this behalf by the Commissioner shall have power to enter without notice at all reasonable times into any manufactories registered under section 463 and to inspect any process of a manufacture or treatment used

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(Part V.—Chapter XXVII.—Food and Drugs.—Sections 465—467.)

therein and to take samples for analysis of any mustard oil or edible oil or edible fat or *ghee* or butter or of any article capable of being used in the manufacture, treatment or adulteration of any such article as aforesaid.

465. (1) No person shall keep or permit to be kept in any shop or place in which milk is stored or in any manufactory, shop or place, in which butter, *ghee* or any other milk product or wheat flour, mustard oil, tea, edible oil, edible fat, sugar, *gur*, or any article notified by the State Government under section 462 is manufactured or stored, any substance intended to be used for the adulteration of such milk, butter, *ghee*, milk product, wheat flour, mustard oil, tea, edible oil, edible fat, sugar, *gur* or other article.

Prohibition of adulterants in places where butter, *ghee*, etc., are manufactured or stored.

(2) If any article capable of being so used is found in any such manufactory, shop, or place, the Court shall, unless and until the contrary is proved, presume, in any prosecution under this section, that it is intended to be used for the purposes of adulteration.

466. (1) No person who is suffering from any infectious disease or who is suffering from any condition causing a discharge of pus or serum from any part of the body shall engage or shall be engaged or shall be allowed to engage himself in the manufacture, preparation, storage, packing, carriage, or delivery for sale of any food or drug or of any material or article used or intended to be used as a wrapper or container for any article of food or drug.

No diseased person to engage in the manufacture, preparation, etc., for sale of any drug or food.

(2) Every person engaged in the manufacture, preparation, storage, packing, carriage or delivery as aforesaid, shall be subject to medical examination by a Health Officer or by any other Medical Officer empowered by the Health Officer, and such person shall allow himself to be so examined. No person who is or has come in contact with any person suffering from an infectious disease shall so engage himself if forbidden to do so by the Health Officer.

467. (1) Every place used for the manufacture, preparation, storage, packing for sale of any article of food or drug, shall be open at all times for inspection by the officers of the Corporation authorised in this behalf by the Commissioner and such officers shall have the right to enter into such places for such inspection at all times.

Place of manufacture, preparation, etc., for sale of any drug or food to be open to inspection.

(2) Every vessel or container or instrument or other article used for the manufacture, preparation, storage, packing or delivery of any such article of food or drug, shall be kept clean and shall for that purpose be washed every time it has been used for such purpose. Such vessel, container, instrument or other article shall at all times be open to inspection by officers of the Corporation, referred to in sub-section (1).

[West Ben. Act

(Part V.—Chapter XXVIII.—Food and Drugs.—Sections 468-470.)

(3) In every place used for manufacture, preparation, storage or packing for sale of any article of food or drug, the article of food or drug, or receptacle and materials used for such manufacture, preparation, storage or packing, shall be protected from dust, flies and other insects by such measures as may be prescribed by the Corporation in this behalf.

Prohibition
of sale of
diseased
animals or
unwhole-
some
articles
intended
for human
food or
medicine.

468. (1) No person shall ¹[, directly or indirectly, himself or by any other person on his behalf,] sell, store for sale, expose or hawk about for sale, or keep for sale, any animal intended for human consumption which is diseased, or any food or drug intended for human consumption, or manufacture any such food or drug which is unsound, unwholesome, or ²[unfit for human consumption] or for medicine, as the case may be.

(2) In any prosecution under this section the Court shall, unless and until the contrary is proved, presume that any animal, food, or drug found in the possession of a person who is in the habit of keeping animals of that class intended to be used for human consumption, or of keeping or manufacturing such food or drug for the purposes of human consumption, has been so kept or manufactured, as the case may be, for sale by such person.

Licensing
of shops
and places
for retail
sale of
drugs.

469. (1) No person shall keep any shop or place for the retail sale of drugs, not being also articles of ordinary domestic consumption, ³[without or otherwise than in conformity with the terms of a license granted by] the Commissioner.

(2) The person to whom such license is granted in respect of any shop or place shall display it in some conspicuous part of such shop or place.

Manufac-
tory or
place of
storage or
sale of food
kept in
contraven-
tion of the
provisions
of this
Chapter
may be
closed.

470. (1) If any manufactory or place of storage or sale of any article of food mentioned in section 462 or section 468 is kept in contravention of the provisions of this Chapter, the Commissioner may cause the same to be closed.

(2) Whenever a Magistrate convicts any person under section 537 for keeping a manufactory or place of storage for sale of any article mentioned in section 462 or section 468 in contravention of the provisions of this Chapter he shall direct that the use of the premises for such purposes shall cease.

¹These words were inserted by sec. 82(1) of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1958).

²These words were substituted for the words "unfit for human food" by sec. 82(2), *ibid.*

³These words were substituted for the words "without a license from" by sec. 83, *ibid.*

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(Part V.—Chapter XXVIII.—Food and Drugs.—Sections 471—474.)

471. No person shall compound, mix, prepare, dispense, or sell any drug in any shop or place which is not licensed under section 469.

Prohibition in respect of compounding of drugs.

Inspection, seizure and destruction of food and drugs.

472. If the Health Officer, or any person authorized by him in this behalf, has reason to believe that any animal intended for human consumption is being slaughtered, or that the flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorized under this Act, he may, at any time by day or by night, without notice, inspect such place for the purpose of satisfying himself as to whether any provision of this Act or of any rule or by-law made under this Act, at the time in force, is being contravened thereat.

Power to Health Officer to inspect place where unlawful slaughter of animals or sale of flesh is suspected.

473. (1) The Corporation shall make provision for the constant and vigilant inspection of all animals, food and drugs intended for human consumption which are in course of transit or are exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale; and shall also make similar provision for the inspection, during the process of manufacture of any such food or drug.

Corporation to provide for inspection of animals, etc., exposed for sale.

(2) If, as a result of such inspection as is provided for in sub-section (1), a prosecution is instituted under this Chapter, then the burden of proving that any such animal, food or drug was not exposed or hawked about or deposited or brought for sale or for preparation for sale, or was not intended for human consumption, shall rest with the party charged.

474. (1) The Health Officer, or any person authorized by him in this behalf, may, at any time by day or by night, '[without notice,] inspect and examine any animal, food, or drug referred to in section 473 and any utensil or vessel used for preparing, manufacturing or containing any such food or drug.

Power to Health Officer to seize animals, etc., which are diseased, etc.

(2) If any such animal appears* to the Health Officer, or a person authorized as aforesaid, to be diseased or if any such food or drug appears to him to be unsound, unwholesome, or unfit for ³[human consumption] or for medicine, as the case may be, or to be adulterated, or if any such utensil or vessel is

*These words and comma were inserted by sec. 84(1) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

³These words were substituted for the words "human food" by sec. 84(2) (a), *ibid.*

[West Ben. Act

(Part V.—Chapter XXVIII.—Food and Drugs.—Section
475.)

of such kind or in such state as to render any food or drug prepared, manufactured, or contained therein unwholesome or unfit for ¹[human consumption], or for medicine, as the case may be ;

he may seize and carry away such animal, food, drug, utensil, or vessel ²[together with any article or substance capable of being used for the adulteration of any food or drug which may be found in course of the inspection], in order that the same may be dealt with as hereinafter in this Chapter provided.

Explanation.—³(i) Meat subjected to the process of blowing or which bears no stamp, mark or seal of a municipal slaughter-house or which is not supported by a receipt granted by the Corporation, shall be deemed to be unfit for human consumption.

³(ia) Cut fruits or prepared fruit articles or any other prepared food or drink, hawked about or exposed for sale, except in closed containers, shall be deemed to be unfit for human consumption.

(ii) A vessel made of any corrosive metal or material notified in this behalf by the State Government as dangerous to health which is used for the preparation of liquid tea for sale shall be deemed to be of the kind referred to in this sub-section.

(3) The Health Officer, or a person authorised as aforesaid, may, instead of carrying away any animal, food, drug, utensil, ⁴[vessel, article or substance] seized under sub-section (2), leave the same in such safe custody as he thinks fit in order that the same may be dealt with as hereinafter in this Chapter provided ; and no person shall remove such animal, food, drug, utensil, ⁴[vessel, article or substance] from such custody or interfere or tamper with the same in any way while so detained.

Destruction of animals, etc., seized under section 474.

475. (1) When any animal, food, drug, utensil, ⁵[vessel, article or substance] is seized under section 474, it may, with the consent of the owner or the person in whose possession it was found, be forthwith destroyed ; or,

if such consent be not obtained, then, if any food or drug so seized is of a perishable nature, and is, in the opinion of the Commissioner, the Health Officer, or an Assistant or District Health Officer, unsound, unwholesome or unfit for human consumption or medicine, it may likewise be destroyed.

¹ See foot-note 2 on page 465, *ante*.

² These words were inserted by sec. 84(12)(b) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

³ Clauses (i) and (ia) of the *Explanation* were substituted for clause (i) by sec. 84(2)(c), *ibid*.

⁴ These words and comma were substituted for the words "or vessel" by sec. 84 (3), *ibid*.

⁵ These words and comma in sub-sections (1) and (2) were substituted for the words "or vessel" by sec. 85, *ibid*.

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(Part V.—Chapter XXVIII.—Food and Drugs.—Section 476.)

(2) The expenses incurred in taking any action under subsection (1) shall be paid by the person who was in possession of such animal, food, drug, utensil, ¹[vessel, article or substance] at the time of its seizure.

476. (1) Any animal, food, drug, utensil, ²[vessel, article or substance] seized under section 474 which is not destroyed in pursuance of section 475 shall, subject to the provisions of section 474, be taken before a Magistrate as soon as may be after such seizure.

Taking
before
Magistrate
animals,
etc., seized
under
section
474.

(2) If it appears to the Magistrate that any such animal is diseased, or that any such food or drug is unsound, unwholesome, or ³[unfit for human consumption], or for medicine, as the case may be, or is adulterated, or that any such utensil or vessel is of such kind or in such state as is mentioned in section 474, and is likely to be used for preparing, manufacturing or containing such food or drug ⁴[or that any such article or substance is likely to be used for the adulteration of any food or drug], he shall cause the same to be destroyed, at the expense of the person who was in possession of it at the time of its seizure or to be otherwise disposed of by the Corporation so as not to be capable of being used as human food or medicine, or for preparing, manufacturing or containing any food or drug, ⁵[or for the adulteration of any food or drug,] as the case may be.

(3) If it appears to the Magistrate that any such animal is not diseased or that any such food or drug is not unsound, unwholesome, or unfit for human consumption, or for medicine, as the case may be, or is not adulterated, or that any such utensil or vessel is not used for preparing, manufacturing, or containing the same ⁶[or that any such article or substance is not likely to be used for the adulteration of any food or drug], the person from whose shop or place the animal, food, drug, utensil ⁷[, vessel, article or substance was taken] shall be entitled to have it restored to him, and it shall be in the discretion of the Magistrate to award him such compensation, not exceeding the actual loss which he has sustained, as the Magistrate may think proper.

¹ See foot-note 5 on page 466, *ante*.

² These words and comma were substituted for the words "or vessel" by sec. 86(1) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

³ These words were substituted for the words "unfit for human food" by sec. 86 (2)(a), *ibid*.

⁴ These words were inserted by sec. 86 (2)(b), *ibid*.

⁵ These words were inserted by sec. 86(2)(c), *ibid*.

⁶ These words were inserted by sec. 86 (3)(a), *ibid*.

⁷ These words were substituted for the words "or vessel was taken" by sec. 86(3)(1), *ibid*.

[West Ben. Act

(Part V.—Chapter XXVIII.—Food and Drugs.—Sections
477—479.)*Analysis of food and drugs.*

Power to
State
Govern-
ment to
declare
normal
consti-
tuents of
any article
of food or
drug.

477. The State Government may declare the normal constituents of any article of food or any drug and may determine, by rules in this behalf, what deficiency in any of these constituents, or what addition of extraneous matter or proportion of water in a sample of any article of food or drug, shall, for the purposes of this Act, raise a presumption until the contrary is proved that the article of food or drug is not genuine or is injurious to health; and a public analyst besides applying any recognised specific test for analysing any food or drug shall have regard to such rules in certifying the result of an analysis under this Act.

Power of
purchaser
to have
article of
food or
drug
analysed.

478. Any purchaser of an article of food or drug shall be entitled, on payment of such fee as the Corporation may prescribe, to have such article analysed by a public analyst and to receive from him a certificate in the form prescribed in Schedule XIX to this Act, of the result of such analysis.

Compul-
sory sale
to Health
Officer for
purpose of
analysis.

479. (1) If the Health Officer, or any person authorised by him in this behalf, requires the sale to him of any food or drug exposed or intended for sale, and tenders the price for a quantity not more than is reasonably requisite for division and disposal under sub-sections (4) and (5), any person in possession of or exposing the same for sale shall be bound to sell such quantity;

(2) The Health Officer, or any person authorised by him in this behalf, may require, on tendering the price for it, the sale to him during the process of manufacture, of any quantity of—

(i) any food, or

(ii) any drug, or

(iii) any ingredients used in the manufacture of any food or drug,

not being more than is reasonably requisite for division and disposal under sub-section (4) and sub-section (5), and any person in possession of the said food, drug or ingredients shall be bound to sell such quantity;

(3) The Health Officer, or any person authorized by him in this behalf, may likewise require the surrender to himself, for the purpose of analysis, of such quantity as is reasonably requisite for such process, of any food which is in course of transit in Calcutta or stored in any place in Calcutta for sale as an article for human consumption, and any person in possession of the same shall be bound to surrender such quantity;

and in every such case the price of the food so surrendered shall be payable by the Health Officer or by the person authorized by him, to the owner of the same, if claimed by such owner within one month from the date of the said surrender;

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(Part V.—Chapter XXVIII.—Food and Drugs.—Sections 480, 481.)

(4) When any sale under sub-section (1) or sub-section (2) is completed, or when any food is surrendered under sub-section (3), the Health Officer, or the person authorised by him in this behalf, shall forthwith notify to the seller, or his agent selling the article or the person in possession thereof, as the case may be, his intention to have the same analysed, and shall divide ¹[or cause to be divided] the article into three parts, to be then and there separated and each part to be marked and sealed or fastened up in any manner which its nature will permit ;

(5) The Health Officer, or the person authorised by him in this behalf, shall deliver one of the said parts to the seller or his agent, shall retain another for future comparison, and may send the third to a public analyst.

480. (1) Every public analyst to whom any article of food or any drug has been submitted for analysis under this Act shall deliver to the person so submitting it a certificate in the form prescribed in Schedule XIX to this Act, specifying the result of his analysis, and shall send a copy of the same to the Health Officer.

Duty of public analyst to supply certificate of analysis.

(2) Any document purporting to be such certificate signed by a public analyst shall be sufficient evidence in any inquiry, trial or proceeding under this Act of the result of such analysis :

Provided that any Court before which a case may be pending under this Act, whether exercising original, appellate, or revisional jurisdiction, may, of its own motion, or at the request of the accused or the complainant, cause any article of food or any drug to be sent for analysis to the Director of Health Services, West Bengal, or any other officer whom the State Government may ²appoint in this behalf, who shall thereupon analyse the same and report the result of such analysis to the said Court, and the said report shall be admissible in evidence in such Court. The expense of such analysis shall be paid by the accused or the complainant as the Court may, by order, direct.

Forfeiture of condemned food or drug to Corporation.

481. When any authority directs, in exercise of any powers conferred by this Chapter, the destruction of any food or any drug, or the disposal of the same so as to prevent its being used as food or medicine, the same shall thereupon be forfeited to the Corporation.

Food and drugs directed to be destroyed, etc., to be property of Corporation.

¹These words were inserted by sec. 87 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

²For notification relating to the appointment of the Deputy Director of Health Services (Public Health) West Bengal, under this proviso, see notification No. P.H.2196/41-15/52, dated 8.8.52, published in the *Calcutta Gazette* of 1952, Part I, page 2681.

[West Ben. Act

(Part V.—Chapter XXIX.—Milk-supply.—Sections 482, 483.)

CHAPTER XXIX.

MILK-SUPPLY.

Special
powers to
the Cor-
poration.

482. In addition to the other powers and duties conferred or imposed on it by or under this Act or any other Act, for the time being in force, the Corporation, in its discretion, may—

- (i) establish, furnish, and maintain municipal dairies, grazing grounds, cattle-sheds and cow-houses either within or without Calcutta ;
- (ii) subject to such terms and conditions as the Corporation may think fit to impose, subsidise by such means as it may consider proper or guarantee the payment from the funds at its disposal of such sums as it may think fit, by way of interest on the capital expended, on the establishment, extension, maintenance, equipment or furnishing or grazing grounds or dairies either within or without Calcutta, by any person or authority ;
- (ii) provide or assist in the provision of, facilities for and in connection with, the transport of milk and other dairy produce to Calcutta from any municipal or other dairy ;
- (iv) purchase, maintain, or dispose of stud-bulls and take such other measures as may appear to the Corporation to be desirable with a view to improving the local breed of cattle ; and
- (v) establish, furnish, and maintain depot or stores for the sale of milk and other dairy produce from municipal and other dairies.

Licensing
of dairy-
man.

483. (1)(a) No person shall, without or otherwise than in conformity with the terms of a license granted by the Commissioner in that behalf, carry on in Calcutta the trade or business of a dairyman, or seller of milk or carrier of milk for sale. Every such license shall bear a photograph of the dairyman, carrier or salesman, as the case may be.

(b) No person shall use any place in Calcutta for the sale or the storage for sale of milk, which has not been approved by the Health Officer as a suitable place for such purpose.

(2) Nothing in sub-section (1) shall apply to the sale of milk in any hotel or eating-house for consumption on the premises.

(3) Upon conviction for an offence under this section, the Magistrate shall order that such trade or business shall be stopped or such use of the place shall cease.

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(Part V.—Chapter XXIX.—Milk-supply.—Sections 484—486.)

484. No person shall be licensed under section 483 unless the Commissioner, after due inquiry, is satisfied that the milk is obtained by him from a dairy, whether within or without Calcutta, in which the provisions for the ventilation, including airspace, and the cleansing, drainage and water-supply are such as in the opinion of the Health Officer are necessary or proper—

Commissioner to be satisfied as to the sanitary condition of dairies before granting license under section 483.

- (a) for the health and good condition of the milch-cattle therein,
- (b) for the cleanliness of milk vessels used therein for containing milk for sale, and
- (c) for the protection of the milk against infection or contamination.

485. If the Health Officer has reason to believe that any person in Calcutta is suffering or is likely to suffer from a dangerous disease attributable to milk supplied in Calcutta from any dairy situated within or without Calcutta, or that the consumption of milk from such place is likely to cause any person in Calcutta to suffer from a dangerous disease, the Health Officer may require the person supplying the milk to furnish, within a reasonable time to be fixed by the Health Officer, a complete list of all dairies from which that person's supply of milk is derived or has been derived during the last six weeks, and, if the supply or any part of it is obtained through any other person may make a similar requisition upon him; and every person on whom any such requisition is made shall comply therewith.

Power to require dairyman to furnish list of sources of supply.

486. (1) The Health Officer may inspect, with a qualified Veterinary Surgeon, any dairy referred to in section 485, and the milch-cattle therein, and if, on such inspection, the Health Officer is of opinion that the dangerous disease is caused or is likely to be caused from consumption of the milk supplied therefrom, he may make an order prohibiting the supply of any milk for human consumption from such dairy.

Inspection of dairies and prohibition of milk-supply.

(2) An order made by the Health Officer under sub-section (1) shall be forthwith withdrawn on his being satisfied that the milk-supply has been changed or that the cause of infection has been removed.

(3) When an order is made under sub-section (1) or is withdrawn under sub-section (2) in respect of a dairy situated outside Calcutta, the Health Officer shall also inform the local authority within whose jurisdiction the dairy is situated.

(4) When an order is made under sub-section (1), the Health Officer may direct such milk to be boiled and permit it to be sold or used under such reasonable restrictions as he may prescribe in this behalf or he may cause the milk to be destroyed.

[West Ben. Act

(Part V.—Chapter XXIX.—Milk-supply.—Sections
487—489.)

(5) No person shall sell or supply any milk in contravention of the provisions of this section.

(6) No dairyman shall be liable to an action for breach of contract if the breach be due to an order passed under this section.

Power to
seize and
send
milch-
cattle to
veterinary
hospital
for treat-
ment.

487. (1) If, on an inspection referred to in section 486, the Health Officer is of opinion that any milch-cattle in such dairy is suffering from a disease which is likely to cause any person consuming the milk to suffer from a dangerous disease, he may cause any such animal to be seized and may send it to a veterinary hospital for treatment.

(2) When any such animal has been sent to a veterinary hospital under sub-section (1), it shall be detained there until, in the opinion of the officer in charge of the hospital, it is cured, and safe for use as a milch animal.

(3) The cost of the treatment, feeding and watering of the animal in the hospital may be realized from the owner of the animal according to such scale of rates as the Standing Health Committee may, from time to time, prescribe.

(4) If the owner refuses or neglects to pay such cost or to remove the animal within such time as the officer in charge of the hospital may prescribe, that officer may direct the animal to be sold and the proceeds of the sale to be applied to the payment of such cost.

(5) The surplus, if any, of the sale-proceeds shall be held in deposit by the Corporation, and shall, on application to be made by the owner within six months after the date of sale, be paid to him.

Licenses to
notify
infectious
diseases
existing
among
persons
engaged in
dairies.

488. Every person licensed under section 483 shall notify to the Health Officer all cases of communicable disease among persons engaged in selling, carrying or otherwise handling milk or in connection with the dairy, whether within or without Calcutta, from whom or from which he obtains his supply of milk for sale in Calcutta, as soon as he becomes aware or has reason to suspect that such communicable disease exists.

Applica-
tion of
section 557
to an entry
to inspect
dairy.

489. The provisions of section 557 shall be applicable to an entry to inspect a dairy, whether within or without Calcutta, from which any milk is obtained for sale in Calcutta, for the purposes of this Act.

XXXIII of 1951.]

(Part V.—Chapter XXX.—Restraint of Infection.—Sections 490—493.)

CHAPTER XXX.

Restraint of Infection.

490. Every medical practitioner who, in the course of his practice, becomes cognizant of the existence of any dangerous disease in any private or public dwelling house, other than a public hospital, shall give information of the same with the least practicable delay to the Health Officer in such form and with such details as the Health Officer may, from time to time, require.

Medical practitioners to give information of existence of dangerous disease.

A fee at such rates and subject to such conditions as may be prescribed by the Corporation in that behalf, may be paid by the Commissioner to a medical practitioner giving such information.

491. The Health Officer, or any other municipal officer authorized by him in this behalf, may, at any time by day or by night, without notice, or after giving such notice of his intention as may, in the circumstances, appear to him to be reasonable, inspect any place in which any dangerous disease is reputed or suspected to exist, and take such measures as he may think fit to prevent the spread of the said disease beyond such place and shall forthwith submit a report to the State Government.

Power to Health Officer to inspect places and take measures to prevent spread of dangerous disease.

492. (1) If it appears to the Health Officer that the water in any well, tank or other place is likely, if used for the purpose of drinking or for any other domestic purpose, to endanger or cause the spread of any dangerous disease, he may, by public notice, prohibit the removal or use of the said water for such purpose.

Prohibition of use for drinking or for other domestic purpose of water likely to cause dangerous disease.

(2) No person shall remove or use for such purpose any water in respect of which any such public notice has been issued.

493. (1) When, in the opinion of the Health Officer, any person is suffering from a dangerous disease and is also without proper lodging or accommodation or is lodged in such a manner that he cannot be effectually isolated so as to prevent the spread of infection, and the said officer considers that such person should be removed to a hospital or place at which patients suffering from such disease are received for medical treatment, he may, with the approval of the Commissioner, direct or cause the removal of such person to such hospital or place :

Power to Health Officer to remove patient to hospital in certain cases

Provided that all costs incurred for the removal and in the treatment of any such patient may be borne by the Corporation :

Provided also that, if any such person is a female, she shall not be removed to any such hospital or place where there is no accommodation for females.

[West Ben. Act

(Part V.—Chapter XXX.—Restraint of Infection.—Sections 494—496.)

(2) The person (if any) who has charge of a person in respect of whom an order is made under sub-section (1) shall obey such order.

Power to
Health
Officer to
disinfect
building,
tank, pool
or well.

494. (1) If the Health Officer, or any municipal officer authorised by him in this behalf, is of opinion that the cleansing or disinfecting of any building or any part of a building, or of any article therein which is likely to retain infection, or of any tank, pool or well adjacent to a building, would tend to prevent or check the spread of any dangerous disease, he may cleanse or disinfect such building, part, article, tank, pool or well and may, by written notice, require the occupier of such building or any part thereof to vacate the same for such time as may be prescribed in such notice.

(2) The cost of cleansing or disinfecting any building or part thereof, or any article therein, under sub-section (1), shall be paid by the occupier of such building and the cost of cleansing or disinfecting any tank, pool or well, under the said sub-section, shall be paid by the person in actual possession of such tank, pool or well, or if there be no such person, by the owner thereof :

Provided that if, in the opinion of the Commissioner, the owner or occupier is from poverty unable to pay the said cost, the Commissioner may direct payment thereof to be made from the Municipal Fund.

Power to
Health
Officer to
destroy
huts and
sheds.

495. (1) If the Health Officer is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner and the occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) Compensation not exceeding the value of the hut shall be paid by the Corporation to any person who sustains loss by the destruction of any such hut or shed ; but, except as so allowed by the Commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by sub-section (1).

Infected
building
not to be
let with-
out being
first dis-
infected.

496. No person shall let a building or any part of a building in which he knows or has reason to know that a person has been suffering from a dangerous disease,—

(a) unless the Health Officer has disinfected the same and has granted a certificate to that effect, and

(b) until a date specified in such certificate as that on which the building or part may be occupied without causing risk of infection.

XXXIII of 1951.]

(Part V.—Chapter XXX.—Restraint of Infection.—Sections 497—499.)

Explanation.—For the purposes of this section the keeper of an hotel or inn shall be deemed to let part of his building to any person accommodated therein.

497. (1) The Corporation may provide a place or places, with all necessary apparatus and establishment, for the disinfection of conveyances, clothing, bedding or other articles which have become infected ; and when any articles have been brought to any such place for disinfection, may cause them to be disinfected either,—

(a) free of charge ; or

(b) in its discretion, on payment of such fees as it may from time to time fix in this behalf.

(2) The Commissioner may, from time to time, by public notice, appoint a place or places at which conveyances, clothing, bedding or other articles which have been exposed to infection from any dangerous disease may be washed ; and no person shall wash any such article at any place not so appointed, without having previously disinfected the same.

(3) The Health Officer, or any person authorised by him in this behalf, may disinfect or destroy, or, by written notice, direct the disinfection or destruction of any clothing, bedding or other articles likely to retain infection.

(4) The Commissioner shall pay such compensation as may appear to him reasonable for any article destroyed under sub-section (3), and his decision shall be final.

Provision of places for disinfection, washing or destruction of infected articles and power to Health Officer to disinfect or destroy such articles.

498. (1) No person shall, without previous disinfection of the same, give, lend, sell, transmit, or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any dangerous disease.

(2) Nothing in sub-section (1) shall apply to a person who transmits, with proper precautions, any such article for the purpose of having the same disinfected or medically examined.

Infected articles not to be transmitted, etc., without previous disinfection.

499. (1) No person who is suffering from a dangerous disease shall enter, or cause or permit himself to be carried in, a public conveyance, nor shall any other person knowingly cause or permit a person in his charge and suffering from a dangerous disease or the dead-body of any person who has died from such disease to be carried in a public conveyance without—

(a) previously notifying to the owner, driver, or person in charge of such conveyance that he is so suffering or that the dead person was so suffering, and

(b) taking proper precautions against spreading such disease.

Restrictions on carriage of patient or dead-body in public conveyance.

[West Ben. Act

(Part V.—Chapter XXX.—Restraint of Infection.—Sections 500—502.)

(2) Notwithstanding anything contained in any enactment relating to public conveyances for the time being in force, no owner or driver or person in charge of a public conveyance shall be bound to carry any person suffering as aforesaid or any such dead-body in such conveyance, unless payment or tender of sufficient compensation for the loss and expenses he must incur in disinfecting such conveyance is first of all made to him.

(3) No owner, driver or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid or any such dead-body in contravention of sub-section (1).

Disin-
fection of
public con-
veyance
after
carriage
of patient
or dead-
body

500. (1) The owner, driver or person in charge of any public conveyance in which any person suffering from a dangerous disease or the dead-body of any person who has died from such disease has been carried shall immediately take the conveyance for disinfection to a place appointed under section 497.

(2) The person in charge of such place shall forthwith intimate to the Health Officer the number of the conveyance and proceed to disinfect the conveyance.

(3) No such conveyance shall be used until the Health Officer has granted a certificate stating that it may be used without causing risk of infection.

Power to
Corpora-
tion to
provide
special con-
veyances
for patient
or dead-
body.

501. (1) The Corporation may provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease or of the dead-bodies of persons who have died from any such disease.

(2) When such conveyances have been provided, it shall not be lawful, without the sanction of the Health Officer, to carry any such person or dead-body in, or for any such person to cause himself to be carried in, any other public conveyance.

Power to
Corpora-
tion to
take special
measures
on out-
break of
dangerous
disease
or infect-
ious
epizootic
disease.

502. In the event of Calcutta being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious epizootic disease breaking out or being likely to be introduced into Calcutta, the Corporation, if it considers that the other provisions of this Act or the provisions of any other enactment for the time being in force are insufficient for the purpose, may, with the sanction of the State Government,—

(a) take such special measures, and

(b) by public notice, prescribe such temporary rules to be observed by the public or by any person or class of persons,

as it may deem necessary to prevent the outbreak of such disease or the spread thereof.

XXXIII of 1951.]

(Part V.—Chapter XXXI.—Registration of births and deaths and disposal of the dead.—Sections 503—505.)

CHAPTER XXXI.

REGISTRATION OF BIRTHS AND DEATHS AND DISPOSAL OF THE DEAD.

Registration of births and deaths.

503. (1) The Health Officer shall be chief registrar of Calcutta and shall keep, in such form as may from time to time be prescribed by the State Government, a register of all births and deaths occurring in Calcutta.

Appoint-
ment of
registrars
and sub-
registrars
and list of

¹(2) The Corporation shall, for the purposes of this Chapter, appoint a person to be a Registrar of Births and Deaths for each borough, and may appoint the same person to be such Registrar for more than one borough.

(3) On the outbreak of any dangerous disease, as many additional registrars as the Corporation may think necessary may be appointed.

(4) The Commissioner shall appoint a sub-registrar for each registered burial or burning ground or other place for the disposal of the dead, to register all corpses brought thereto for interment or cremation or for disposal otherwise :

Provided that it shall be competent to the ²[Commissioner] to appoint the same sub-registrar for more than one such burial or burning ground or other place.

(5) The Commissioner shall cause to be printed and published a list containing the name and address of every registrar and sub-registrar appointed under this section.

504. The Commissioner shall cause to be prepared and printed a sufficient number of register-books in such form as may from time to time be prescribed by the State Government, for making entries of all births and deaths occurring in Calcutta.

Register-
books.

505. A registrar shall keep himself informed of every birth and death occurring within the area of his jurisdiction, and shall ascertain and register, as soon as conveniently may be after the event, and without fee or reward, the particulars prescribed in Schedule XX or Schedule XXI, as the case may be, in respect of every birth or death which has not been already registered.

Registrar
to inform
himself
of, and
register,
births and
deaths.

¹Sub-section (2) was substituted for the original sub-section by sec. 88(1) of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1958).

²This word was substituted for the word "Corporation" by sec. 88(2), *ibid.*

[West Ben. Act

(Part V.—Chapter XXXI.—Registration of births and deaths and disposal of the dead.—Sections 506, 507.)

Informa-
tion of
birth by
whom to
be given.

506. It shall be the duty of the father or mother of every child born in Calcutta and, in default of the father or mother, of any relation of the child living in the same premises, and in default of such relation, of the person having charge of the child, to give, to the best of his knowledge and belief, to the registrar of the district within eight days after such birth, information of the several particulars prescribed in Schedule XX :

Provided that if any one of the persons hereinbefore referred to gives the said information, no other person shall be bound to give it :

Provided also that, in the case of an illegitimate child, no person shall, as father of such child, be required to give information under this Act concerning the birth of such child, and the registrar shall not enter in the register the name of any person as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register together with the mother :

Provided also that if the birth occurs in a hospital, none of the said persons shall be bound to give such information but it shall be the duty of the medical officer or other officer in charge of the hospital, within twelve hours after the birth, to send to the Health Officer a written notice containing the several particulars prescribed in Schedule XX.

Informa-
tion of
death by
whom to
be given.

507. It shall be the duty of the nearest relatives present at the time of the death or in attendance during the last illness of any person dying in Calcutta, and in default of such relatives, of each person present or in attendance at the time of the death, and of the occupier of the premises in which, to his knowledge, the death took place, and in default of the persons hereinbefore in this section mentioned, of each inmate of such premises, and of the undertaker or other person causing the corpse of the deceased person to be disposed of, to give, to the best of his knowledge and belief, to the registrar of the area within which the death took place, or to the sub-registrar of the burial or burning ground or other place for the disposal of the dead where the body is buried or burnt or otherwise disposed of, information of the several particulars prescribed in Schedule XXI :

Provided that if any of the persons hereinbefore referred to gives the said information, no other person shall be bound to give it :

Provided also that if the death occurs in a hospital, none of the said persons shall be bound to give such information but it shall be the duty of the medical officer in charge of the hospital, within twelve hours after the death, to send to the Health Officer a written notice containing the several particulars prescribed in Schedule XXI.

XXXIII of 1951.]

(Part V.—Chapter XXXI.—Registration of births and deaths and disposal of the dead.—Sections 508—511.)

508. It shall be the duty of the police to convey every unclaimed corpse to a burial or burning ground or other place for the disposal of the dead, or to a duly appointed mortuary, and thereafter to inform the registrar of the area in which such corpse was found.

Duties of Police with regard to unclaimed corpses.

509. A sexton or keeper of a burial or burning ground or other place for the disposal of the dead, whether situated in Calcutta or not, shall not bury, burn or otherwise dispose of, or allow to be buried or burnt or otherwise disposed of, the corpse of any person who has died in Calcutta unless such corpse is accompanied by a certificate, in the form prescribed by Schedule XXI, signed by a registrar or sub-registrar appointed under section 503 or by a registered medical practitioner or any other medical practitioner authorized in this behalf by the State Government :

Sextons, etc., not to bury, etc., corpses, without certificate.

Provided that, at any burial or burning ground or other place for the disposal of the dead where there is a sub-registrar approved in this behalf by the Corporation who keeps a register in the form prescribed by the said schedule, an entry in such register relating to the deceased shall be deemed sufficient.

510. The State Government may make rules—

- (a) prescribing the qualifications for persons to be appointed as registrars or sub-registrars under this chapter ;
- (b) generally, for the guidance of the Corporation, the Health Officer, registrars and sub-registrars in all matters connected with the carrying out of the provisions of this chapter.

Power to State Government to make rules.

Disposal of the dead.

511. (1) Every owner or keeper of a place, not vested in or owned by the Corporation or a Board appointed by the State Government for the administration of such place, which is used for burying, burning or otherwise disposing of the dead shall cause the same to be registered in a register which shall be kept by the Commissioner, and shall deposit in the municipal office at the time of registration a plan of the said place showing the extent and boundaries thereof and bearing the signature of a surveyor in token of its having been prepared by or under the supervision of such surveyor.

Registration of places for disposal of the dead.

(2) All burial and burning grounds shall be classified by the Commissioner in the said register as public or private.

[West Ben. Act

(Part V.—Chapter XXXI.—Registration of births and deaths and disposal of the dead.—Sections 512—514.)

Provision and registration of new places for disposal of the dead.

512. If the existing places for the disposal of the dead appear to the Corporation at any time to be insufficient, it shall—

- (a) provide other fit and convenient places for the disposal of the dead, either in or without Calcutta,
- (b) cause the same to be registered in the register kept under section 511, sub-section (1), and
- (c) cause to be kept in the municipal office, at the time of registration of each place so provided, a plan thereof showing the extent and boundaries of the same.

Permission of the Corporation required for opening or re-opening places for disposal of the dead.

513. Except with the written permission of the Corporation—

- (a) no place which has never previously been lawfully used as a place for the disposal of the dead and registered as such shall be opened by any person as such place, and
- (b) no burial or burning ground or other place for the disposal of the dead which has fallen into disuse shall be again used as such.

Power to State Government to direct the closing of any place for the disposal of the dead.

514. (1) If, from information furnished by competent persons and after personal inspection, the Health Officer is at any time of opinion—

- (a) that any place of public worship is, or is likely to become, injurious to health by reason of the state of the vaults or graves within the walls of, or underneath, such place or in any churchyard or burial ground adjacent thereto, or
- (b) that any other place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health,

he may submit his said opinion, with the reasons therefor, to the Corporation, who shall forward the same, with its opinion, for the consideration of the State Government.

(2) Upon receipt of such opinion, the State Government, after such further inquiry (if any) as it deems fit to make, may, by notification published in the *Official Gazette* and in local newspapers, direct that such place of public worship, churchyard, burial ground or other place for the disposal of the dead shall no longer be used for the disposal of the dead.

(3) Every such notification shall be noted in the register kept under section 511, sub-section (1).

(4) On the expiration of two months from the date of any such notification, the place to which the same relates shall be closed for the disposal of the dead.

XXXIII of 1951.]

(Part V.—Chapter XXXI.—Registration of births and deaths and disposal of the dead.—Sections 515, 516.)

(5) A copy of the said notification, with a translation thereof in the Bengali, Hindi and Urdu languages shall be affixed on a conspicuous spot on or near the place to which the notification relates.

515. (1) If, after personal inspection, the Health Officer is at any time of opinion that any place formerly used for the disposal of the dead which has been closed under section 514 or under any other enactment or authority has, by lapse of time, become no longer injurious to health and may, without risk or danger, be again used for the said purpose,

Power to State Government to direct re-opening of place closed under section 514 or other enactment.

he may submit his said opinion, with the reasons therefor, to the Corporation, who shall forward the same, with its opinion, for the consideration of the State Government.

(2) Upon receipt of such opinion, the State Government, after such further inquiry (if any) as it deems fit to make, may, by notification published in the *Official Gazette*, direct that such place be re-opened for the disposal of the dead.

(3) Every such notification shall be noted in the register kept under section 511, sub-section (1).

516. (1) No person shall, without the written permission of the Commissioner,—

Prohibition of certain acts without the permission of the Commissioner.

(a) make any vault, grave or interment within any wall, or underneath any passage, porch, portico, plinth or verandah, of any place of worship ; or

(b) make any interment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 514 ; or

(c) build, dig or cause to be built or dug any grave or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse, at any place which is not registered in the register kept under section 511, sub-section (1) ; or

(d) exhume any body from any place for the disposal of the dead, except under the provisions of section 176 of the Code of Criminal Procedure, 1898, or of any other relevant enactment for the time being in force.

Act V of 1898.

(2) Such permission may be granted by the Commissioner in special cases only and subject to such general or special orders as the State Government may make in this behalf.

(3) An offence against sub-section (1) shall be deemed to be a cognizable offence within the meaning of sections 149, 150 and 151 of the said Code of Criminal Procedure, 1898.

[West Ben. Act

(Part VI.—Chapter XXXII.—Acquisition, Disposal and General Improvement of Land and Buildings.—Sections 517, 518.)

PART VI

CHAPTER XXXII.

ACQUISITION, DISPOSAL AND GENERAL IMPROVEMENT OF LAND AND BUILDINGS.

Acquisition and disposal of land and buildings.

Power to Corporation to acquire land and buildings for improvements.

517. The Corporation may acquire any land or building whether situated in Calcutta or not,—

- (i) for the purpose of opening out any congested or unhealthy area or of otherwise improving any portion of Calcutta ; or
- (ii) for the purpose of erecting sanitary dwellings for the working and poorer classes ; or
- (iii) for the purpose of executing any other scheme for providing any amenity for persons residing in Calcutta.

Scheme for carrying out such improvements.

518. (1) When any land or building has been acquired under section 517 for the purpose of carrying out any work, the Corporation shall frame a scheme for carrying out such work either by itself or by any co-operative building society or by any other person or authority whom it may select to carry out the same.

(2) When any scheme is framed under sub-section (1) for the carrying out of work by any person or authority other than the Corporation, the scheme shall embody the terms and conditions agreed upon between the Corporation and such person or authority ;

and such conditions shall be deemed to include a power to the Corporation to superintend and control the execution of the work.

(3) Every scheme framed under sub-section (1) shall be published in the *Official Gazette* and in such other manner as the Corporation may think fit, together with a notice specifying a period within which objections will be received.

(4) The Corporation shall consider all objections received within the said period, and shall submit the documents to the State Government with such recommendations as it may desire to make.

(5) The State Government, after considering the said objections and recommendations (if any), may confirm the scheme, and before doing so may modify it, but not so as to extend its effect.

XXXIII of 1951.]

(Part VI.—Chapter XXXII.—Acquisition, Disposal and General Improvement of Land and Buildings.—Sections 519—521.)

519. When any scheme for the carrying out of work by the Corporation itself has been confirmed by the State Government under section 518, sub-section (5), the Corporation may proceed to carry out the work in accordance with the scheme.

Power to Corporation to carry out improvements.

520. (1) When any scheme for the carrying out of work by any person or authority other than the Corporation has been confirmed by the State Government under section 518, sub-section (5), the Corporation may sell, lease or otherwise transfer to such person or authority the land and buildings which have been acquired under section 517 for the purpose and under the condition that he will carry out such work in accordance with the said scheme.

Transfer of land and buildings to person for carrying out improvements.

(2) Every sale effected or lease granted by the Corporation under this section shall be deemed to include a covenant authorising the Corporation to re-enter if the purchaser or the lessee—

- (a) fails to carry out any work in accordance with the said scheme, or
- (b) after carrying out the work, uses the land or buildings leased to him, or any part thereof, or allows the same to be used, for any purpose which is inconsistent with the said scheme;

and such covenant shall be binding on all transferees from the original purchaser or lessee.

(3) Before possession of any land or building is given to any person or authority by the Corporation in pursuance of any contract (other than a lease) made under this section, the Corporation shall take security from such person for the due carrying out and maintenance of work in accordance with the said scheme.

Additional powers for acquisition, disposal, etc.

521. In addition to the powers expressly conferred by any other section of this Act for the acquisition and disposal of ¹[land or building,] the Corporation may—

Further powers to Corporation for acquiring and disposing of land or building.

- (i) acquire or pay rent for, or take on lease under such conditions as it may think fit, any ¹[land or building], whether situated in Calcutta or not, which may, in its opinion, be needed for carrying out any of the purposes of this Act,
- (ii) sell, lease or otherwise transfer, on such terms as it may think fit, any ¹[land or building,] vested in it, and

¹These words in clauses (i), (ii) and (iii) were substituted for the words "land or buildings" by sec. 89 (1) of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1958).

[West Ben. Act

(Part VI.—Chapter XXXII.—Acquisition, Disposal and General Improvement of Land and Buildings.—Section 522.)

- (iii) purchase any ¹[land or building] ²[within or outside Calcutta] in execution of a decree made by a Court in its favour.

³Provided that the Corporation shall not make—

- (a) a lease for more than five years, or
 - (b) a gift of any land or building,
- without the sanction of the State Government.

Procedure
when
Corpora-
tion leases
or sells
land or
building
acquired
by it.

522. Whenever the Corporation decides to lease or sell any ⁴[land or building] acquired by it under this Act from any person, it—

- (a) shall give notice by advertisement in local newspapers ;
and
- (b) shall offer a prior right to take on lease or purchase such ⁴[land or building] to any person or his heirs, executors or administrators, who formerly had any interest in such ⁴[land or building] or who, in the opinion of the Corporation, has a superior claim to such ⁴[land or building], or if it appears to the Corporation that no person has such a superior claim, the Corporation shall put up to auction the right to take on lease or purchase such ⁴[land or building] among all persons who, previous to its acquisition, had interests in any portion of such ⁴[land or building] greater than a lease for years having seven years to run :

Provided that the prior right referred to in clause (b) need not be offered or put up to auction, if the Corporation considers that to do so would be detrimental to the carrying out of the purposes of this Act :

Provided also that before putting up to auction the right to take a lease or purchase such ⁴[land or building], the Corporation may fix a minimum reserve price, below which the said right shall not be sold.

¹See foot-note 1 on page 483, *ante*.

²These words were substituted for the words "outside Calcutta" by sec. 89(2), of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

³This proviso was added by sec. 105 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

⁴These words were substituted for the word "land" by sec. 90 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

XXXIII of 1951.]

(Part VI.—Chapter XXXII.—Acquisition, Disposal and General Improvement of Land and Buildings.—Sections 523, 524.)

Exemption.

523. Nothing in this Act shall authorise the Corporation to acquire for the purposes of this Chapter or of any other section of this Act any building which is intended solely for and is used solely as a place of public worship.

Exemption of places of public worship from acquisition.

General provisions.

I of 1894.

524. ¹[Any land or building] which the Corporation is authorised by this Act to acquire may be acquired under the provisions of the Land Acquisition Act, 1894, and for that purpose the said Act shall be subject to the amendment that the market-value of any land or building to be acquired shall be deemed, for the purposes of clause first of sub-section (1) of section 23 of the said Land Acquisition Act, 1894, to be the market-value according to the disposition of such land or building at the date of publication of the declaration relating thereto under section 6 of the said Land Acquisition Act, 1894 :

Application of Land Acquisition Act, 1894, with amendment.

Provided as follows :—

- (i) if, within a period of two years from the date of the publication of such declaration in respect of any land or building, the Collector has not made an award under section 11 of the said Land Acquisition Act, 1894, with respect to such land or building, the owner of the land or building shall be entitled to receive compensation for the damage suffered by him in consequence of the delay ;
- (ii) if the market-value is specially high in consequence of the property being put to a use which is unlawful or contrary to public policy, that use shall be disregarded and the market-value shall be deemed to be the market-value of the land or building if put to ordinary uses ;
- (iii) if the market-value has been increased by means of any improvement made by the owner or his predecessor in interest within one year before the aforesaid declaration was published, such increase shall be disregarded, unless it be proved that the improvement was made *bona fide* and not in contemplation of proceedings for the acquisition of the land or building being taken under the said Land Acquisition Act, 1894.

¹These words were substituted for the words "Any land or buildings" by sec. 91 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

[West Ben. Act

(Part VI.—Chapter XXXII.—Acquisition, Disposal and General Improvement of Land and Buildings.—Section 525.—Chapter XXXIII.—Special Powers of the Corporation.—Section 526.)

Vesting in Corporation of land and building acquired under the Land Acquisition Act, 1894.

525. On payment by the Corporation of the compensation awarded under the said Land Acquisition Act, 1894, in respect of any ¹[land or building] and of any other charges incurred in acquiring the said ¹[land or building], the same shall vest in the Corporation.

CHAPTER XXXIII.

Special Powers of the Corporation.

Special powers of the Corporation.

526. In addition to the other powers, duties and functions conferred or imposed on it by or under this Act or any other Act for the time being in force, the Corporation may, in its discretion, provide, from time to time, either wholly or partly, for all or any of the following matters, namely :—

- (i) the planting and preservation of trees on public streets and public places ;
- (ii) the construction, alteration, maintenance and adornment of public halls, offices and other buildings and *ghats* under the control of the Corporation or required for municipal purposes ;
- (iii) the laying out and maintenance of squares, ²[gardens, swimming pools] and playgrounds, and the supplying and maintenance of equipment for games in playgrounds ;
- ³(*iiia*) construction of statues of eminently distinguished persons and erection of such statues in public places ;
- (iv) the playing of music in squares, gardens or other public places ;
- (v) the survey of buildings and lands, and the preparation and maintenance from time to time of survey maps and plans and of the records relating thereto ;
- (vi) the construction and maintenance of hospitals, ⁴[dispensaries, sanatoriums,] infirmaries, alms-houses, asylums,

¹These words were substituted for the words "land or buildings" by sec. 92 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

²Substituted for the word "gardens" by sec. 106 (a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

³Inserted by sec. 106(b), *ibid.*

⁴These words and commas were inserted by sec. 93(1) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

XXXIII of 1951.]

**(Part VI.—Chapter XXXIII.—Special Powers of the Corporation.
—Section 526.)**

Ben. Act
II of 1922.

orphanages, ¹[creches], industrial schools and auxiliary homes for the purposes of the Bengal Children Act, 1922, and of public training schools for nurses, either within Calcutta or (if such institutions are for the benefit of persons residing in Calcutta) without Calcutta, and arrangements for keeping sufficient staff in such institutions ;

- (vii) the payment of contributions to the cost of such ²[hospitals, dispensaries, sanatoriums, infirmaries, almshouses, asylums,] orphanages, ³[creches,] industrial schools and auxiliary homes for the purposes of the Bengal Children Act, 1922, and of public training schools for nurses or institutions for providing nurses and of the staff of these institutions ⁴* * * ;
- (viii) the establishment, maintenance and administration of veterinary hospitals and dispensaries in Calcutta ;
- (ix) the payment of contributions to the cost of such veterinary hospitals and dispensaries ;
- (x) the payment of contributions towards any public fund raised for the relief of human suffering within Calcutta ;
- ⁵(xa) the payment, with the sanction of the State Government, of contributions to the National Defence Fund created by the Central Government for purposes relating to the defence of India :

Provided that any such payment made before the commencement of the Calcutta Municipal (Amendment) Act, 1963, shall be deemed to be and to have always been validly made as if that Act had come into force when such payment was made ;

- (xi) the payment of contributions to charitable institutions in Calcutta for assisting in the disposal of unclaimed corpses and the burial or cremation of paupers ;
- (xii) vaccination ;
- ⁶(xiiia) inoculation ;

West Ben.
Act VII
of 1963.

¹This word was inserted by sec. 106(c) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words and commas were inserted by sec. 23(2)(n) of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1953).

³This word was inserted by sec. 106(d) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

⁴The words "and the other institutions referred to in clause (vi)" were omitted by sec. 98(2)(h), of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1953).

⁵Clause (xa) was inserted by sec. 2 of the Calcutta Municipal (Amendment) Act, 1963 (West Ben. Act VII of 1963).

⁶This clause (xiiia) was inserted by sec. 106(e) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVII of 1964).

*In section 526,—

(a) after clause (xiii), insert the following clause, *ion.*
namely:—

"(xiiiia) the payment, with the previous approval of the State Government, of grants to colleges or other educational institutions imparting higher education;" ;

(b) in clause (xiv), omit the words "above the age specified in section 124" and

(Inserted and omitted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

purpose of instruction or education, held in Calcutta ;

(xvii) the payment of contributions to the Commissioners of any neighbouring municipality for expenditure on sanitary purposes ;

(xviii) the presentation of addresses to ¹[or holding of civic receptions or other functions in honour of] persons of distinction ;

(xix) the collecting of statistics in connection with measures of public welfare :

²(xixa) payment of expenses of persons attending, on behalf of the Corporation, conferences, meetings, seminars, exhibitions or other functions relating to matters of municipal administration which are held outside Calcutta ;

(xx) anti-corruption measures ; and

(xxi) any other matter likely to promote the public health, safety or convenience of the persons resident in Calcutta or for the purposes of carrying out the provisions of this Act, which the State Government on the recommendation of the Corporation made in pursuance of a resolution in favour of which not less than two-thirds of the Councillors and Aldermen present and voting have voted, may declare in this behalf.

PART VII

CHAPTER XXXIV.

By-laws and Rules.

Power to Corporation to make by-laws.

527. The Corporation may make by-laws generally for carrying out the provisions and intentions of this Act ; and in particular, and without prejudice to the generality of the foregoing power, it may make by-laws—

¹These words were inserted by sec. 98(3) of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1958).

²Clause (xixa) was inserted by sec. 106(f) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

**(Part VII.—Chapter XXXIV.—By-laws and Rules.—
Section 527).**

Page 489— (1) for the subdivision, amalgamation, renewal and exchange of municipal debentures issued under Chapter IX ;

*In section 527,—

(a) omit clause (2) ;

(b) in clause (3), omit the words “carts and”.

(Omitted by West Ben. Act XVII of 1965, section 6
and Schedule B.)

[No. 2, dated the 1st May, 1970.]

rickshaws on specified streets ;

(4) prescribing the procedure to be followed by owners or occupiers desiring a water-supply ;

(5) prescribing a schedule of charges for water supplied for other than domestic purposes ;

(6) regulating the testing of the purity and potability of filtered water supplied under Chapter XVIII ;

(7) providing for the maintenance of a map of water-supply system and laying down conditions for the inspection of the same by ratepayers ;

(8) regulating—

(i) the construction and maintenance of water-pipes, taps and fittings, and

(ii) all matters and things connected with the supply and use of water, the use, protection and control of meters, hydrants and other fittings, and generally the control of the water-supply and the administration of Chapter XVIII ;

(9) specifying the manner in which house-drains and privies are to be connected with the municipal drains ;

(10) prescribing the procedure to be followed by owners and occupiers of premises in connecting house-drains and privies with the municipal drains ;

(11) regulating the construction, maintenance, control and cleansing of drains, ventilation-shafts or pipes, cess-pools, house-gullies, privies, urinals, public bathing and washing places and drainage works of every description, whether belonging to the Corporation or not ;

(12) providing for the maintenance of a map of the sewerage system and laying down conditions for the inspection of the same by ratepayers ;

(13) prescribing the qualifications to be required from, and regulating the appointment, suspension, and dismissal of, licensed plumbers, and building surveyors ;

(Part VII.—Chapter XXXIV.—By-laws and Rules.—Section 527.)

- (14) for the prevention of encroachment of doors, gates, bars and windows on public streets ;
- (15) for the provision, maintenance, and lighting of hoardings or fences in public streets when building or any other work is carried on ;
- (16) regulating the making of holes or excavations of any kind in a public street ;
- (17) prohibiting or regulating the placing of obstructions, projections or encroachments, or the depositing of materials or goods, in a public street or in or over any drain or aqueduct in a public street or on any land vested in the Corporation ;
- (18) regulating the posting or painting of advertisements in or adjacent to or visible from public streets or other public places ;
- (19) for the provision and maintenance of gutters and pipes for carrying and discharging water from buildings in public streets ;
- (20) regulating the construction of approach roads crossing the footpath of a public street ;
- (21) regulating the construction of verandahs and other structures in streets ;
- (22) for altering the position of pipes and appliances laid in streets ;
- (23) regulating all matters relating to the fittings, width and construction of streets ;
- (24) regulating the use of land as sites for the erection of buildings ;
- (25) regulating the erection of new buildings ;
- (26) regulating the making of alterations in, and additions to, buildings ;
- (27) regulating the erection and use of buildings for a temporary purpose ;
- (28) providing for the protection of lamps, lights, gas-pipes, electric wires and all other appurtenances necessary for the lighting of public streets and municipal markets and buildings ; and regulating the manner in which gas-pipes or electric wires shall be laid and existing gas-pipes or electric wires altered in such streets ;
- (29) providing for and regulating the collection, removal and disposal of all offensive matter and sewage accumulating in Calcutta, and the efficient daily cleansing and scavenging of all streets and premises ;
- (30) for the regulation and control of public bathing and washing places and places constructed under section 430 the management, equipment and maintenance of public swimming-baths, the imposition of fees for the use of such baths and the control of persons resorting to such washing places and baths ;

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(Part VII.—Chapter XXXIV.—By-laws and Rules.—Section 527.)

- (31) for the construction, management and maintenance of public wash-houses, for the regulation and control of such public wash-houses and other places for the use of washerman in the exercise of their calling, for the imposition of fees for the use of such wash-houses or places, for the control of persons carrying on business therein or resorting thereto, and for the prohibition of the use of unauthorised places for such purposes ;
- (32) prohibiting the fouling of any tank, reservoir, stream, well or ditch in Calcutta or of any source from which the public water-supply is drawn ;
- (33) for preventing the straying of any animal or poultry and regulating the keeping, feeding and destruction of any such animal or poultry, and the disposal of its carcass, and prescribing the fees payable to the Corporation for such disposal ;
- (34) specifying the manner in which stables, cattle-sheds and cow-houses are to be constructed, altered, paved, repaired, maintained and inspected, and the means whereby they are to be connected with the municipal drains ;
- (35) (a) providing for the inspection, keeping and removal of milch-cattle, and prescribing and regulating the ventilation, lighting, cleansing, drainage and water-supply of dairies, cattle-sheds and places where milk is stored or sold in the occupation of persons following the trade of dairyman or milk-seller ; and
(b) for declaring areas in which no persons shall keep milch-cattle for the purpose of supplying milk for sale, subject to power being given to the Corporation to give such compensation as it thinks fit in respect of any cattle-shed constructed in accordance with the plan sanctioned by the Corporation within two years of the publication of a by-law under this sub-clause, provided that such structure is removed within the time fixed by the by-law ;
- (36) for enforcing the cleanliness of milk-stores and milk-shops and milk-vessels used for containing milk ;
- (37) requiring notice to be given whenever any milch-animal is affected with any contagious disease, and prescribing precautions to be taken for protecting milch-cattle and milk against infection or contamination ;
- (38) for the regulation of lodging-houses ;
- (39) regulating the removal and disposal of rank or noxious vegetation ;
- (40) for the inspection, supervision, regulation, and control of eating-houses and places where food for human consumption is prepared or kept for sale ;

(Part VII.—Chapter XXXIV.—By-laws and Rules.—Section 527.)

- (41) for determining what amount of superficial and cubic space shall be deemed, for the purposes of sub-section (1) of section 435 to be necessary for each occupant of a building or room ;
- (42) for the regulation, inspection by day or by night, supervision and control (including stoppage) of all factories, bakehouses, workshops, work-places and premises used for any of the purposes referred to or mentioned in sections 436 and 437 and of all trades and manufactures carried on therein, and for the cleanliness or ventilation of the same, or the health or safety of the persons employed therein ;
- (43) regulating the inspection, supervision and control of theatres, circuses, cinema-houses, dancing halls and other places of public resort, recreation or amusement, and prescribing the terms and conditions subject to which licenses may be granted for keeping open such places ;
- (44) for securing the efficient inspection of markets, slaughter-houses, stock-yards, and places set apart under sub-section (1) of section 451, clause (d) ;
- (45) regulating the management of, and the conduct of business in, markets ;
- (46) regulating the use of any municipal market, municipal slaughter-house, municipal stock-yard, or any part thereof, or any place set apart under clause (d) of sub-section (1) of section 451 ;
- (47) providing for a sufficient supply of water to or in, and for the proper cleansing, general control and regulation of the sanitary condition of, markets, slaughter-houses, stock-yards and places set apart under clause (d) of sub-section (1) of section 451 and preventing the exercise of cruelty, and the occurrence of nuisances or obstruction therein ;
- (48) for preventing persons suffering from any infectious disease from keeping stalls in, or being employed in preparing or selling articles of food in, any market or from entering any market or touching any article brought thereto for sale, and for authorizing the expulsion of such persons from any market ;
- (49) for preventing persons suffering from any communicable disease living in places where food or drugs are sold, stored or prepared, and for disinfecting the place where any such case has occurred, and generally for the restraint of infection in such places ;

XXXIII of 1951.]

(Part VII.—Chapter XXXIV.—By-laws and Rules.—Section 527.)

- (50) for preventing the use in any market ¹[or in any shop or other place where any article is sold] of false or incorrect weights, scales or measures ;
- (51) for posting up a current price list in any market ;
- (52) for the control and supervision of butchers carrying on business in Calcutta or at any municipal slaughter-house outside Calcutta ;
- (53) for securing the efficient inspection and sanitary regulation of shops in which articles of food or drugs are kept or sold and the provision therein of suitable receptacles or vessels for keeping such food or drugs and for enforcing the proper maintenance and cleanliness of such receptacles and vessels ;
- (54) prescribing the standard of water to be used in the manufacture or preparation of soda water, lemonade, lithia water or other artificially aerated water or other mineral water or cordials or *sherbet* or other similar beverages or ice-creams or ice ;
- (55) prescribing the forms or kinds of label to be attached to articles of food or drugs, or a mixture thereof, or to packages containing the same, and requiring or prohibiting the use in the inscription on the label so attached of such particulars, directions, statements, information or words as are specified ;
- (56) prescribing the forms or kinds of label to be attached to receptacles containing disinfectants, germicides, antiseptics or preservatives for sale, and requiring or prohibiting the inscriptions on the label so attached of such particulars, directions, statements, information or words as are specified ;
- (57) requiring packages in which any article of food is sold to be marked as prescribed with the date on which it was packed ;
- (58) prohibiting the publication, use or exhibition in any manner whatsoever of any printed or pictorial matter with respect to articles of food or drugs which is false or misleading or likely to mislead ;
- (59) requiring the destruction or denaturation or stoppage of sale of any article of food that has become deteriorated or impoverished or which is adulterated or injurious to health ;
- (60) securing the wholesomeness, cleanliness and freedom from contamination and adulteration of any article of food or drug hawked about for sale, and the cleanliness of receptacles used for the purpose ;

¹These words were inserted by sec. 94 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

[West Ben. Act]

*(Part VII.—Chapter XXXIV.—By-laws and Rules.—
Section 528.)*

- (61) prescribing and regulating payment of fees to medical practitioners for giving information of the existence of any dangerous disease ;
- (62) prescribing and regulating the functions and duties of registrars and sub-registrars of births and deaths and of keepers of burial and burning grounds and other places for the disposal of the dead, and for regulating and ensuring the correct and prompt registration of all births and deaths ;
- (63) for granting of extracts from the births and deaths registers and for prescribing the fees for the same ;
- (64) regulating the speedy disposal of corpses ;
- (65) regulating the carrying of corpses along streets ;
- (66) regulating the removal of corpses or parts of corpses which have been kept or used for purposes of dissection ;
- (67) regulating the digging and making of graves and vaults ;
- (68) regulating the re-opening of graves and vaults for purposes of fresh interments ;
- (69) regulating cremation ;
- (70) generally, for regulating the disposal of the dead and of the articles which are brought with the dead body to a place for the disposal of the dead, the inspection of all places for the disposal of the dead, and the maintenance of all such places in good order and in a safe and sanitary condition ;
- (71) regulating the printing and sale of by-laws and rules made under this Act, and providing for the exhibition thereof in suitable places ;
- (72) for collecting of statistics in connection with measures of public welfare ;
- (73) any other matter required to be made or prescribed by by-laws under this Act.

528. (1) There shall be annexed to by-laws made under clauses (9), (11) or (34) of section 527 type-plans of all constructions referred to in them and the said plans shall be open to the inspection of any applicant at the municipal office, at all reasonable times.

Provisions
as to the
application
of certain
by-laws.

(2) No by-law made under clause (42) of section 527 shall—

- (a) affect the Indian Boilers Act, 1923, or
- (b) apply to any factory to which the Factories Act, 1948, is applicable.

XXXIII of 1951.]

(Part VII.—Chapter XXXIV.—By-laws and Rules.—
Sections 529—533.)

529. In making a by-law under section 527, the Corporation may provide that a breach of it shall be punishable—

Penalties
for breach
of by-laws.

- (a) with fine which may extend to two hundred rupees and in the case of a continuing breach, with fine which may extend to fifty rupees for every day during which the breach continues after conviction for the first breach, or
- (b) with fine which may extend to fifty rupees for every day during which the breach continues after receipt of written notice from the Corporation to discontinue the breach.

530. The power to make by-laws under this Act is subject to the condition of the by-laws being made after previous publication, and to the following further conditions, namely—

Conditions
precedent
to the
making of
by-laws.

- (a) a draft of the by-laws shall be published in the *Official Gazette* and in local newspapers ;
- (b) such draft shall not be further proceeded with until after the expiration of a period of one month from such publication or such longer period as the Corporation may appoint ;
- (c) for not less than one month during such period, a printed copy of such draft shall be kept at the municipal office for public inspection, and every person shall be permitted at any reasonable time to peruse the same, free of charge ; and
- (d) printed copies of such draft shall be obtainable by any person requiring the same, on payment of such fee, not exceeding ¹[twenty-five paise] for each copy as may be prescribed by the Corporation.

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*In sub-section (1) of section 532, omit the words and figures "except Schedule I".

(Omitted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

or any rule contained in

or this Act
tioned by

overnment

mendation

part of,
I.

By-laws
to be
subject to
sanction
of State
Govern-
ment.

Power
to State
Govern-
ment to
make rules
for the
amend-
ment of
certain
schedules.

(2) All references in this Act to any schedule which may be amended under this section shall be construed as references to such schedule as for the time being so amended.

533. (1) The power to make rules under any section (other than section 502) of this Act is subject to the condition of the rules being made after previous publication.

Conditions
precedent
to the
making of
rules.

¹Substituted for the words "four annas" by sec. 107 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

[West Ben. Act

(Part VII.—Chapter XXXIV.—By-laws and Rules.—
Sections 534—536.)

(2) The power of the State Government to make rules under ¹[section 26, section 29,] section 52, sub-section (2), section 60, sub-sections (1) and (2), section 477, or section 532, sub section (1), is also subject to the following further conditions, namely—

(a) a draft of the rules shall be published in the *Official Gazette* and forwarded to the Corporation for its opinion ;

(b) such draft shall not be further proceeded with until six weeks after such publication or until such later date as the State Government may appoint.

Certain regulations and rules to be subject to sanction.

534. (1) No regulation made under section 85 and no rule made under ²[section 97, section 101 or section 233A] shall have any validity unless and until it is sanctioned by the State Government.

(2) Before sanctioning any such regulation or rule, the State Government may modify it.

Publication of by-laws and rules in Gazette, and effect of such publication.

535. All by-laws and rules made and (where sanction is required) duly sanctioned under this Act shall be published in the *Official Gazette*, and shall thereupon have effect as if enacted in this Act.

Power to State Government ³[to cancel or modify] by laws and rules.

536. (1) If the State Government is at any time of opinion that any by-law, rule or regulation made under this Act by the Corporation should be cancelled ⁴[or modified] either wholly or in part, it shall cause the reasons for such opinion to be communicated to the Corporation, and shall prescribe a reasonable period within which the Corporation may make any representation with regard thereto which it may think fit.

(2) After receipt and consideration of any such representation, or, if in the meantime no such representation is received, after the expiry of the prescribed period, the State Government may at any time, by notification in the *Official Gazette*, cancel ⁵[or modify] such by-law, rule or regulation, either wholly or in part.

¹Inserted by sec. 108 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Substituted for the words and figures "section 97 or section 101" by sec. 109, *ibid.*

³Inserted, in the marginal note, by sec. 110 (a), *ibid.*

⁴Inserted by sec. 110 (b), *ibid.*

⁵Inserted by sec. 110 (c), *ibid.*

⁶The proviso to sub-section (2) was omitted by sec. 110(d), *ibid.*

XXXIII of 1951.]

(Part VIII.—Chapter XXXV.—Penalties.—Section 537.)

(3) The cancellation ¹[or modification] of a by-law, rule or regulation under sub-section (2) shall take effect from such date as the State Government may in the said notification direct, or, if no such date is specified, then from the date of the publication of the said notification in the *Official Gazette*, except as to anything done or suffered or omitted to be done before such date.

(4) The said notification shall also be published in local newspapers.

PART VIII

CHAPTER XXXV.

Penalties.

537. (1) Whoever commits any offence by—

- (a) contravening any provision of any of the sections, sub-sections, clauses of sections, provisos or rules of this Act mentioned in the first column of the following table, or
- (b) contravening any provision of any rule made under any of the said sections, sub-sections, clauses, or provisos, or
- (c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under any of the said sections, sub-sections, clauses, provisos or rules,

Certain offences punishable with fine.

shall be punished with fine or imprisonment which may extend to the amount or period mentioned in that behalf in the third column of the said table.

(2) (a) Whoever is convicted of any offence referred to in clause (a), (b) or (c) of sub-section (1), for a second or subsequent time shall be punished with fine or imprisonment for the amount or the period mentioned in the third column of the said table.

(b) Whoever, after having been convicted of any offence referred to in clause (a), (b) or (c) of sub-section (1), continues to commit such offence shall be punished, for each day after the first during which he continues so to offend, with fine which may extend to the amount mentioned in this behalf in the fourth column of the said table.

¹Inserted by sec. 110(e) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

(Part VIII.—Chapter XXXV.—Penalties.—Section 537.)

Explanation.—The entries in the second column of the following table, headed "Subject", are not intended as definitions of the offences prescribed in the provisions mentioned in the first column, or even as abstracts of those provisions, but are inserted merely as reference to the subject thereof :—

Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine or imprisonment which may be imposed.	Daily fine which may be imposed.
1	2	3	4
Section 94, sub-section (1).	Councillor or Alderman taking part in discussion in matters in which he is interested.	Five hundred rupees	
Section 155, sub-section (3).	Requisition by auditors to produce documents, to appear in person to make and sign declaration, to answer question or to submit statement.	One hundred rupees.	Fifty rupees.
Section 177, ¹ [sub-sections (1), (1a) and (2).	Requisition for returns of measurements and rent or annual value of land or building ¹ [or of gross annual receipts].	Two hundred rupees.	
Section 186 ...	Obligation to give notice of transfer of title in land or building	Fifty rupees ...	Twenty-five rupees.
Section 198 ...	Obligation to give notice of re-occupation of unoccupied land or building.	Two hundred and fifty rupees.	Twenty-five rupees.
Section 210, sub-sections (1) and (2).	Obligation to forward statement of carriages and animals liable to taxation.	Two hundred rupees	Twenty-five rupees.
Section 211 ...	Requisition on occupier to forward statement of carriages and animals liable to taxation, and names and addresses of persons owning or keeping same.	Two hundred and fifty rupees.	Fifty rupees.
Section 214 ...	Requisition on livery stable-keeper to produce books and accounts for inspection.	Two hundred and fifty rupees.	Twenty-five rupees.
Section 216, sub-sections (3) and (4).	Obligation to forward list of dogs liable to taxation.	Fifty rupees ...	Five rupees.
Section 221 ...	Requisition on occupier to forward list of persons carrying on profes-	One hundred rupees.	Ten rupees.
		... hundred	Ten rupees.

as 498-509—

*In the table under section 537,—

(a) omit the entry "Section 224, sub-section (4)," in column 1 and the corresponding entries in columns 2, 3 and 4,

sub-sections (1) and (2)" and these Municipal (Second Amendment) Act, 1964

[XXXIII of 1951.]

(Part VIII.—Chapter XXXV.—Penalties.—Section 537.)

Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine or imprisonment which may be imposed.	Daily fine which may be imposed.
1			
Section 224, sub-section (5).	(b) omit the entry "Section 224, sub-section (5)." in column 1 and the corresponding entries in columns 2, 3 and 4,		
) omit the entry "Section 228, sub-section (1)." in column 1 and the corresponding entries in columns 2, 3 and 4,	Failing to comply.	Five rupees.	Five rupees.
) omit the entry "Section 228, sub-section (3)." in column 1 and the corresponding entries in columns 2, 3 and 4,		Five rupees.	Five rupees.
) omit the entry "Section 271, sub-section (3)." in column 1 and the corresponding entries in columns 2, 3 and 4,		Five rupees.	Five rupees.
Section 279 ...	Requisition on owner to obtain adequate supply of water from nearest main for his building.	One hundred rupees.	Five rupees.
¹ [Section 279A.	Requisition on owner to obtain sufficient supply of water and for that purpose to lay down pipes, hydrants, etc.	One hundred rupees.	Five rupees].
Section 287 ...	Wasting water ...	One hundred rupees.	Ten rupees.
Section 290, sub-section (4).	Failure to give notice of intention to occupy or vacate premises.	Fifty rupees. ...	...
Section 295, sub-section (2).	Unauthorizedly taking water for use without Calcutta.	Two hundred rupees.	Twenty rupees.
Section 299 ...	Requisition to fill up well ...	One hundred rupees.	Ten rupees.
Section 306, sub-section (1).	Constructing private street, wall or other structure over municipal drain or erecting wall, fence or structure or the bed, etc., of any municipal sewage or storm-water channel or interfering with or encroaching upon such wall, fence or structure.	Five hundred rupees.	Fifty rupees.
Section 310, sub-section (1).	Unlawfully connecting house-drain with municipal drain.	Five hundred rupees.	Fifty rupees.
Section 311 ...	Requisition to connect one house-drain with another in private street.	Two hundred and fifty rupees.	Fifty rupees.
Section 313 ...	Requisition on owner of premises to make house-drain and provide appliances or fittings or to remove house drain, etc.	Two hundred and fifty rupees.	Fifty rupees.

¹These entries in columns 1, 2, 3 and 4 were inserted by sec. 111 (2) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

(Part VIII.—Chapter XXXV.—Penalties.—Section 537.)

Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine or imprisonment which may be imposed.	Daily fine which may be imposed.
1	2	3	4
Section 814 ...	Requisition on owner of premises to make house-drain communicating with nearest municipal drain or closed cesspool.	Two hundred and fifty rupees.	Fifty rupees.
Section 815 ...	Direction to owner of premises as to closing or limiting the use of house-drain.	Two hundred and fifty rupees.	Fifty rupees.
Section 816, sub-section (1).	Requisition to construct house-drain	Two hundred and fifty rupees.	Fifty rupees.
Section 817 ...	Requisition on owner of courtyard, alley or passage, to pave, repair and raise level of same.	Two hundred and fifty rupees.	Fifty rupees.
Section 818, sub-section (2).	Requisition on owner of land to construct new drain for benefit of occupants of hut; and failure to maintain, etc., such drain.	Two hundred and fifty rupees.	Fifty rupees.
Section 819 ...	Construction, maintenance and regulation of drains.	One hundred rupees.	Five rupees.
Section 821, sub-section (2).	Keeping a public privy or urinal without license or suffering a licensed public privy or urinal to be in a filthy or noxious state.	One hundred rupees.	Ten rupees.
Section 822 ...	Provision of privy and urinal accommodation for building.	One hundred rupees.	Ten rupees.
Section 823, sub-section (1).	Provision of privy and urinal and bathing or washing place for new building for twenty labourers.	One hundred rupees.	Ten rupees.
Section 823, sub-section (2).	Requisition on owner of premises to provide privy, urinal and other accommodation for twenty labourers.	One hundred rupees.	Ten rupees.
Section 824 ...	Requisition on owner of premises to provide or alter privy or urinal accommodation in premises where accommodation is not provided or is insufficient.	Two hundred rupees.	Twenty rupees.
Section 825	Requisition on owner to provide privies and urinals for premises used by large numbers of people.	Five hundred rupees.	Fifty rupees.
Section 826 ...	Construction, maintenance and regulation of privies, urinals and appurtenances thereof in accordance with rules and by-laws.	One hundred rupees.	Ten rupees.
Section 831, sub-section (1).	Requisition on owner of premises to close, remove, renew or take other action regarding house-drain, ventilation-shaft or pipe, cesspool, house-gully, privy or urinal.	One hundred rupees.	Ten rupees.

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(Part VIII.—Chapter XXXV.—Penalties.—Section 537.):

Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine or imprisonment which may be imposed.	Daily fine which may be imposed.
1	2	3	4
Sections 332, sub-section (1).	Position of cesspools	Two hundred rupees.	
Section 332, sub-section (2).	Requisition to remove or fill up cesspools.	Two hundred rupees.	Twenty rupees.
Section 333, sub-section (1).	Construction of house-drain, service privy, etc., within fifty feet of tank, well, etc.	Two hundred rupees.	
Section 333, sub-section (2).	Requisition on owner of land to remove receptacle for sewage or offensive matter.	Two hundred rupees.	Twenty rupees.
[Section 334, sub-section (2).	Unlawful use of septic tanks, sanitary privies or urinals.	Two hundred rupees.	Twenty rupees.]
Section 338, clause (b).	Requisition on owner of premises to alter, pave, repair, etc., house-drain, cesspool, privy or urinal.	Two hundred rupees.	Twenty rupees.
Section 339 ...	Requisition on occupier of premises to carry out work which owner may be required to carry out.	The amount which may be levied as fine on the owner in each case.	The amount which may be levied as daily fine on the owner in each case.
Section 341 ...	Prohibition of certain acts in connection with drainage, etc.	One hundred rupees.	Ten rupees.
Section 345, sub-section (1).	Prohibition of execution of certain work by persons other than licensed plumbers.	Two hundred rupees.	
Section 345, sub-section (2).	Prohibition of owner or occupier of premises causing or allowing certain work to be executed by persons other than licensed plumbers.	Two hundred rupees.	
Section 346, sub-section (2).	Prohibition of licensed plumber demanding or receiving more than prescribed charge.	Five hundred rupees.	
Section 348, sub-section (1).	Prohibition of licensed plumber infringing rules, executing work carelessly or negligently, or using bad materials, appliances or fittings.	Five hundred rupees.	
Section 353, sub-section (1)	Requisition on owner or occupier of building to remove or alter verandah, etc., or fixture.	Five hundred rupees.	Fifty rupees.
Section 354, sub-section (1).	Requisition on person to remove wall.	Five hundred rupees.	Fifty rupees.

¹This entry was inserted by sec. 95 (1) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

(Part VIII.—Chapter XXXV.—Penalties.—Section 537.)

Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine or imprisonment which may be imposed.	Daily fine which may be imposed.
1	2	3	4
Section 358 ^{1***}	Prohibition of erection of, or addition to, building or wall within street alignment ² [or between a street alignment and a building line].	Five hundred rupees.	Fifty rupees.
..
Section 364 ...	(i) Prohibition of erection of, or addition to, building or wall within street alignment of a street projected under section 363.	Five hundred rupees.	Fifty rupees.
	(ii) Prohibition of erection of building between a street alignment and building line of a street projected under section 363.	Five hundred rupees.	Fifty rupees.
Section 370 ...	Selling site or portion of a site without having previously laid down a street giving access to the site.	One thousand rupees.	
Section 372 ...	Unlawfully making or laying out a private street.	Five hundred rupees.	Fifty rupees.
Section 374, sub-section (1).	Requisition on owner of private street or owner or occupier of adjoining land to level, etc., such street.	One hundred rupees.	Ten rupees.
Section 379, sub-section (2).	Prohibition of licensed building surveyor demanding or receiving more than the prescribed fee in the absence of a written contract.	Five hundred rupees.	
Section 381, sub-section (6).	Erection of new building in contravention of declaration by the Corporation.	One thousand rupees.	
Section 382 ...	Prohibition of erection of building without permission or so as to deprive another building of proper means of access.	One thousand rupees.	One hundred rupees.
Section 383 ...	Requisition upon owner of public building to make certain alterations in it for purposes of sanitation, etc.	One thousand rupees.	One hundred rupees.
Section 384 ...	Requisition on owner to provide public building with external doors or to cause such doors to open outwards.	Five hundred rupees.	Fifty rupees.

¹The words "sub-section (1)" were omitted by sec 95(2) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

²These words were added by sec. 95(2), *ibid*.

³The entry "Section 358, sub-section (2)" in column 1 and the corresponding entries in columns 2, 3 and 4 were omitted by sec. 95(2), *ibid*.

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(Part VIII.—Chapter XXXV.—Penalties.—Section 537.)

Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine or imprisonment which may be imposed.	Daily fine which may be imposed.
1	2	3	4
Section 385, sub-section (1).	Change in use of building without special permission.	Five hundred rupees in the case of a masonry building, and one hundred rupees in the case of a hut.	Fifty rupees in the case of a masonry building, and twenty rupees in the case of a hut.
Section 385, sub-section (2), proviso.	Requisition to close shop ...	Two hundred and fifty rupees.	Twenty-five rupees.
Section 391, sub-section (1).	Erecting or using building for temporary purpose without approval of the [Commissioner].	Two hundred and fifty rupees.	Twenty-five rupees.
Section 396 ...	Erecting or adding to hut or masonry building in a <i>bustee</i> before approval of standard plan.	One hundred rupees.	
Section 397 ...	Erecting or adding to hut or masonry building in a <i>bustee</i> contrary to standard plan.	One hundred rupees.	
Section 398, sub-section (1).	Requisition on owner to remove or alter or reconstruct building in <i>bustee</i> not in conformity with standard plan.	Two hundred and fifty rupees.	Twenty-five rupees.
Section 399, sub-section (1).	Requisition on owner of <i>bustee</i> to carry out any improvement in accordance with standard plan.	One thousand rupees.	One hundred rupees.
Section 406, sub-section (2).	Failure to keep open private street in <i>bustee</i> for scavenging and other purposes and for use of tenants.	Two hundred and fifty rupees.	Twenty-five rupees.
Section 407 ...	Failure to keep open bathing and privy accommodation in <i>bustee</i> for use of tenants.	Two hundred and fifty rupees.	Twenty-five rupees.
Section 408, sub-section (2).	Requisition on owner to maintain in proper order streets, drains, etc., in <i>bustee</i> according to standard plan.	Five hundred rupees.	Fifty rupees.
Section 408, sub-section (2), proviso.	Owner of hut to maintain convenience made by him for his own use.	Fifty rupees.	Five rupees.
Section 408, sub-section (3).	Requisition on tenant or tenants of <i>bustee</i> to repair street, passage, drain, etc.	Fifty rupees.	Five rupees.
Section 411, sub-section (3).	Erection of hut or portion of hut with-in alignment prescribed for private streets in <i>bustee</i> or other area.	One hundred rupees.	

*Substituted for the words "Standing Buildings Committee" by sec. 111(8) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

(Part VIII.—Chapter XXXV.—Penalties.—Section 537.)

Sections, sub-sections, clauses, provisos or rules. 1	Subject 2	Fine or imprisonment which may be imposed. 3	Daily fine which may be imposed. 4
Section 412, sub-section (1).	Requisition on owner or occupiers to remove huts.	One hundred rupees.	Twenty rupees.
Section 416, sub-section (1).	Requisition on person carrying on work unlawfully to stop work.	One thousand rupees.	Two hundred and fifty rupees.
Section 419, sub-section (1).	Constructing private street, building, wall or other structure over municipal gas-pipe or electric cable.	Five hundred rupees.	Fifty rupees.
Section 421 ...	Keeping of animals ...	Two hundred and fifty rupees.	Twenty-five rupees.
Section 423, sub-section (2).	Provision of land in <i>bustee</i> when required for temporary deposit of rubbish, etc.	Ten rupees.	Three rupees.
Section 424, sub-section (1).	Direction to collect rubbish and offensive matter and deposit it at or near entrance to premises.	Fifty rupees.	
Section 424, sub-section (2)	Direction to collect rubbish and offensive matter and deposit it in public receptacle.	Fifty rupees.	
Section 424, sub-section (3).	Direction to collect rubbish and offensive matter and deposit it in Corporation vehicles.	Fifty rupees.	
Section 424, sub-section (4).	Deposition of rubbish except within prescribed hours.	Ten rupees.	
Section 425 ...	Depositing of carcass of a dead animal on a street or public place.	Two hundred rupees.	
Section 426 ...	Direction to collect and remove rubbish and offensive matter accumulating on business premises or on premises in which building work is going on.	Two hundred rupees.	Fifty rupees.
Section 430, clause (b).	Prohibition of use by the public for bathing, etc., of any place not constructed therefor.	Ten rupees.	
Section 432, sub-section (3).	Using building declared unfit for human habitation.	Two hundred and fifty rupees.	Twenty-five rupees
Section 433, sub-section (2).	Requisition on owner and occupier to demolish building declared unfit for human habitation.	Two hundred and fifty rupees.	Twenty-five rupees
Section 434 ...	Requisition on owner or occupier to furnish statement of occupants, accommodation, etc., of building.	One hundred rupees.	Ten rupees.

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(Part VIII.—Chapter XXXV.—Penalties.—Section 537.)

Sections, sub-sections, clauses, provisos or rules. 1	Subject. 2	Fine or imprisonment which may be imposed. 3	Daily fine which may be imposed. 4
Sections. 435, sub-section (1).	Requisition on owner or occupier to abate overcrowding in building or room.	Twenty-five rupees	Five rupees.
Section 436, sub-section (1).	Establishing, or materially altering, enlarging or extending, factory, etc., without permission.	One thousand rupees.	Two hundred rupees.
Section 437, sub-section (1).	Using premises for certain trades, etc., without license or contrary to terms of license.	One thousand rupees.	One hundred rupees.
Section 439, sub-section (5).	Using premises in declared area for any purpose referred to, or mentioned in section 437.	One thousand rupees or imprisonment for three months or both.	Two hundred rupees.
Section 440 ...	Failure to comply with direction of Magistrate in regard to use of premises proved to be a nuisance.	One thousand rupees.	One hundred rupees.
Section 441, sub-section (1).	Fouling water in carrying on trade or manufacture.	One thousand rupees.	Two hundred rupees.
Section 442, sub-section (1).	Using eating-house, etc., without license or contrary to terms of license.	Five hundred rupees.	Fifty rupees.
Section 443 ...	Keeping open theatre, circus or other place of public amusement without license or contrary to terms of license.	Five hundred rupees.	One hundred rupees.
Section 447 ...	Carrying on business or trade within fifty yards of a municipal market.	One hundred rupees.	Twenty-five rupees.
Section 449, sub-section (1).	Sale in municipal market without license.	Twenty-five rupees.	
Section 450, sub-section (2).	Establishing new private market without sanction of Corporation.	One thousand rupees.	
Section 451, sub-section (1).	Keeping open, etc., private market permitting any place to be used as private market or using place as slaughter-house or stock-yard without license or contrary to terms of license.	Five hundred rupees.	Fifty rupees.
Section 453 ...	Using as market '[or slaughter-house or stock-yard] a place which Magistrate has directed to be closed.	One thousand rupees.	One hundred rupees.

¹These words were inserted by sec. 95(4) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

(Part VIII.—Chapter XXXV.—Penalties.—Section 537.)

Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine or imprisonment which may be imposed.	Daily fine which may be imposed.
1	2	3	4
Section 454 ...	Requisition to pave and drain private market, private slaughter-house or place set apart for sacrifice of animals, and to alter structures in private market.	Five hundred rupees.	Fifty rupees.
Section 455, sub-sections (1) and (2).	Requisition on owner or occupier of private market to lay out, alter, etc., approaches, roads, passages and ways and to provide conveniences for and maintain the same, and to provide ventilation and lighting of market building.	One thousand rupees.	One hundred rupees.
Section 457, sub-section (2).	Destruction, etc., of by-laws and table of charges posted up in market or slaughter-house.	Ten rupees.	
Section 458, sub-section (2).	Requisition on tenant or agent to remove himself from market or slaughter-house.	Fifty rupees ...	Ten rupees.
Section 460, sub-section (1).	Carrying on trade of butcher or selling animals, meat or fish outside market without license.	Five hundred rupees.	Fifty rupees.
¹ [Section 460, sub-section (1B).	Sale of unstamped meat ...	Five hundred rupees.	Fifty rupees.]
Section 461, sub-section (1).	Sale, etc., of adulterated or mis-branded food or drug.	One thousand rupees.	
Section 462, sub-section (1).	Sale, etc., of milk, butter, <i>ghee</i> , other milk products, wheat flour, mustard oil, tea, stalky tea, edible oil, edible fat, sugar, <i>gur</i> or notified article, which is not of the prescribed quality or is not labelled or marked in the prescribed manner.	One thousand rupees.	
Section 462, sub-section (2).	Sale, etc., of article similar to milk, butter, <i>ghee</i> , etc.	One thousand rupees.	
Section 463, sub-section (1).	Registration of manufactory of mustard oil, edible oil, edible fat, <i>ghee</i> or butter.	Two hundred and fifty rupees.	Twenty-five rupees
Section 463, sub-section (2).	Keeping of register by owner or person in charge of manufactory of mustard oil, edible oil, edible fat, <i>ghee</i> or butter in regard to substances sent out from the manufactory.	Two hundred and fifty rupees.	Twenty-five rupees
Section 465, sub-section (1).	Keeping or permitting to be kept substance intended to be used for adulteration of milk, butter, <i>ghee</i> , other milk products, wheat flour, mustard oil, tea, edible oil, edible fat, sugar, <i>gur</i> , or notified article.	Two hundred and fifty rupees.	

¹This entry was inserted by sec. 95(5) of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1958).

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(Part VIII.—Chapter XXXV.—Penalties.—Section 537.)

Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine or imprisonment which may be imposed.	Daily fine with which may be imposed.
1	2	3	4
Section 466 ...	Prohibition of infectious persons to engage in manufacture, etc., of food and drugs.	Two hundred and fifty rupees.	Fifty rupees.
Section 467 ...	Obstruction to inspection of places and articles used for manufacture, etc., of food and drugs and protection of such places and articles from contamination.	Two hundred rupees.	Fifty rupees.
Section 468, sub-section (1).	Sale of diseased or unwholesome animal or article intended for ¹ [human consumption].	Five hundred rupees.	
Section 469, sub-section (1).	Keeping shop or place for retail sale of drugs without a license.	One hundred rupees.	Twenty rupees.
Section 469, sub-section (2).	Display of license in premises ...	Fifty rupees ...	Ten rupees.
Section 471 ...	Compounding, etc., drugs in unlicensed shop or place.	Fifty rupees.	
Section 474, sub-section (3).	Removing, interfering or tampering with animal, food, drug, etc., seized and left in custody.	One thousand rupees.	
Section 479, sub-sections (1), (2) and (3).	Refusal to sell or surrender articles of food or drug required for purposes of analysis.	Two hundred rupees.	
Section 483 ...	Sale of milk or carrying of milk for sale without license.	One hundred rupees.	Ten rupees.
Section 485 ...	Requisition to furnish a list of dairies from which milk is supplied by a person.	Two hundred and fifty rupees.	Twenty-five rupees.
Section 486, sub-section (5).	Sale or supply of prohibited milk ...	Five hundred rupees.	
Section 488 ...	² [Failure to give information] of existence of communicable disease.	One hundred rupees.	
³ [Section 490 ...	Failure of medical practitioner to give information of existence of dangerous disease.	One hundred rupees.]	
Section 492, sub-section (2).	Removing or using for the purpose of drinking or of washing clothes, water which is likely to endanger or spread a dangerous disease.	Two hundred rupees.	Twenty rupees.
Section 493, sub-section (2).	Removal to hospital of patient suffering from dangerous disease.	One hundred rupees.	
Section 494, sub-section (1).	Requisition on occupier to vacate building or part thereof to admit of disinfection.	Fifty rupees ...	Ten rupees.

¹These words were substituted for the words "human food" by sec. 95(6) of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

²These words were substituted for the word "Information" by sec. 96(7), *ibid.*

³This entry was inserted by sec. 95(8), *ibid.*

(Part VIII.—Chapter XXXV.—Penalties.—Section 537.)

Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine or imprisonment which may be imposed.	Daily fine which may be imposed.
1	2	3	4
Section 496 ...	Letting infected building ...	Five hundred rupees.	
Section 497, sub-section (2).	Washing infected articles at unauthorised place.	One hundred rupees.	
Section 497, sub-section (3).	Direction to disinfect or destroy articles likely to retain infection.	One hundred rupees.	
Section 498, sub-section (1).	Transmitting, etc., infected article ...	Two hundred rupees.	
Section 499, sub-section (1).	Infected person entering or causing or permitting himself to be carried in, or carrying of dead body in, public conveyance.	Fifty rupees.	
Section 499, sub-section (3).	Carrying infected person or dead body in public conveyance.	Two hundred rupees.	
Section 500, sub-section (1).	Taking public conveyance to appointed place for disinfection.	Two hundred rupees.	
Section 500, sub-section (2).	Intimation of number and disinfection of infected conveyance.	Two hundred rupees.	
Section 500, sub-section (3).	Using infected public conveyance ...	Five hundred rupees.	
Section 501, sub-section (2).	Carrying infected persons or dead bodies in other than special conveyances without sanction of Health Officer.	Two hundred rupees.	
Section 506 ...	Information of birth ...	Fifty rupees.	
Section 507 ...	Information of death ...	One hundred rupees.	
Section 509 ...	Burying, burning or otherwise disposing of corpse without certificate.	One hundred rupees.	
Section 511, sub-section (1).	Registration of place for disposal of the dead, and depositing of plan in municipal office.	One hundred rupees.	
Section 513 ...	Opening or using place for disposal of the dead without permission.	Five hundred rupees.	
Section 514, sub-section (2).	Prohibition of use of place of public worship, etc., for disposal of the dead.	Five hundred rupees.	
Section 516, sub-section (1).	Making vault, grave or interment, or disposing of corpse, or exhuming corpse, in certain cases, without permission.	Five hundred rupees.	
Section 548, sub-section (5).	Production of license or written permission.	Fifty rupees. ...	Ten rupees.

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(Part VIII.—Chapter XXXV.—Penalties.—Section 537.)

Sections, sub-sections, clauses, provisos or rules. 1	Subject. 2	Fine or imprisonment which may be imposed. 3	Daily fine which may be imposed. 4
Section 559 ...	Obstructing Commissioner or other person in entering into or upon premises.	Five hundred rupees.	
Section 575, sub-section (3).	Occupier to afford facilities to owner for complying with Act, rules, by-laws and regulations.	Two hundred and fifty rupees.	Fifty rupees.
omit the entry "Section 600, sub-section (1), clause (a)." in column 1 and the corresponding entries in columns 2, 3 and 4, (a).		One thousand rupees in the case of a masonry building, and two hundred rupees in the case of a hut.	One hundred rupees in the case of a masonry building, and twenty-five rupees in the case of a hut.
Schedule XIII, rule 1, sub-rule (2).	Requisition on owner to lay down separate service-pipe from main for supply of water to his premises.	Two hundred rupees.	Ten rupees.
the entry "Schedule XIII, rule 2, sub-rule (1)." in column 1 and the corresponding entries in columns 2, 3 and 4.		One hundred rupees.	Ten rupees.
and by West Ben. Act XVII of 1965, section 6 and Schedule B.) [No. 2, dated the 1st May, 1970.]	Requisition on owner to fix outer drain so as always to be at least street.	One hundred rupees.	Ten rupees.
Schedule XIII, rule 7, sub-rule (1).	Requisition on owner or occupier of premises to replace or alter fittings for supply of water.	One hundred rupees.	Ten rupees.
Schedule XIII, rule 12.	Fraud in respect of meter ...	Five hundred rupees.	
Schedule XIII, rule 13.	Injuring meter or fittings thereof ...	Five hundred rupees.	
Schedule XIV, rule 14, sub-rule (2).	Requisition on owner or occupier of premises to repair, flush, cleanse, etc., or take other action regarding house-drain.	One hundred rupees.	Ten rupees.
Schedule XIV, rule 15, sub-rule (2).	Requisition on owner or occupier of premises to repair, flush, cleanse or empty joint house-drain.	One hundred rupees.	Ten rupees.
Schedule XIV, rule 16, sub-rule (1).	Requisition on person laying private underground drain to alter or add to the work.	One hundred rupees.	Ten rupees.

(Part VIII.—Chapter XXXV.—Penalties.—Section 537.)

Sections, sub-sections, clauses, provisos or rules. 1	Subject. 2	Fine or imprisonment which may be imposed. 3	Daily fine which may be imposed. 4
Schedule XIV, rule 20, sub rule (4)	Attaching service-privy or service-urinal to inhabited portion of any building.	One hundred rupees.	Ten rupees.
Schedule XIV, rule 21, sub-rule (1).	Placing service-privy or service-urinal on upper floor.	One hundred rupees.	Ten rupees.
Schedule XIV, rule 21, sub-rule (2).	Requisition to convert service-privy or service-urinal into a connected-privy or connected-urinal.	Two hundred rupees.	Twenty rupees.
Schedule XIV, rule 22, sub-rule (1).	Requisition to form a passage giving access to a privy or urinal from the street.	One hundred rupees.	Ten rupees.
Schedule XIV, rule 27.	Requisition to alter privy or urinal	One hundred rupees.	Ten rupees.
Schedule XV, rule 1, sub-rule (2).	Requisition to trim, prune or cut hedge and trees.	Ten rupees ...	Three rupees.
Schedule XV, rule 3, sub-rule (1).	Erection of verandah supported by pillars resting on street.	Five hundred rupees.	Fifty rupees.
Schedule XV, rule 3, sub rule (2).	Placing roof on certain verandahs	Five hundred rupees.	Fifty rupees.
Schedule XV, rule 3, sub-rule (3).	Putting up verandahs, etc., to project over street without permission.	Five hundred rupees.	Fifty rupees.
Schedule XV, rule 3, sub-rule (5).	Requisition on owner or occupier of building to comply with condition subject to which permission was given to put up verandahs, etc., projecting over street.	Five hundred rupees.	Fifty rupees.
Schedule XV, rule 3, sub-rule (6).	Requisition on owner or occupier of building to remove verandahs, etc., projecting over street.	Five hundred rupees.	Fifty rupees.
Schedule XV, rule 4, sub-rule (1).	Erection or maintenance of sky-sign without permission.	Two hundred rupees.	Twenty rupees.
Schedule XV, rule 5, sub-rule (2).	Unlawfully removing fence or shoring-timber or removing of extinguishing light.	Two hundred and fifty rupees.	
Schedule XV, rule 6, sub-rule (3).	Unlawfully infringing order prohibiting traffic or removing bar, chain or post in street.	Two hundred and fifty rupees.	
Schedule XV, rule 7, sub-rule (3).	Unlawfully destroying, pulling down, etc., name of public street.	Twenty rupees.	

XXXIII of 1951.]

(Part VIII.—Chapter XXXV.—Penalties.—Section 537.)

Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine or imprisonment which may be imposed.	Daily fine which may be imposed.
1	2	3	4
Schedule XV, rule 8, sub-rule (3).	Unlawfully destroying, pulling down, etc., number of premises or affixing a private number.	Twenty rupees.	
Schedule XVI, rule 5, sub-rule (1).	Requisition to provide staircases ...	Two hundred rupees.	Twenty rupees.
Schedule XVI, rule 5, sub-rule (2).	Requisition to provide lift or similar contrivance.	Two hundred rupees.	Twenty rupees.
[Schedule XVI, rule 5A.	Failure to set apart space for working vehicles within the premises of certain buildings.	Fifty rupees.	Five rupees.]
Schedule XVI, rule 7, sub-rule (1).	Construction of external roofs or walls of buildings with inflammable materials.	Fifty rupees ...	Five rupees.
Schedule XVI, rule 7, sub-rule (2).	Requisition on owner of building to remove or alter external roof or wall.	Fifty rupees ...	Five rupees.
Schedule XVI, rule 19.	Sending written notice to Corporation before commencing to erect masonry building.	Fifty rupees.	
Schedule XVI, rule 20.	Sending written notice or certificate, or sending untrue certificate, to Corporation after completion of erection of masonry building.	One hundred rupees.	
Schedule XVI, rule 22, sub-rule (1).	Requisition on owner of building to make specified alterations.	Five hundred rupees in the case of a masonry building, and one hundred rupees in the case of a hut.	Fifty rupees in the case of a masonry building, and ten rupees in the case of a hut.
Schedule XVI, rule 53, sub-rule (1), and sub-rule (3).	Employment of licensed building surveyor to supervise erection of certain masonry buildings.	One hundred rupees.	Ten rupees.
Schedule XVI, rule 60.	Erection of masonry building without written permission.	One thousand rupees.	
Schedule XVI, rule 60, sub-rule (1).	Erection of hut without written permission.	Fifty rupees.	

*These entries in columns 1,3,3 and 4 were inserted by sec. 111(s) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

(Part VIII.—Chapter XXXV.—Penalties.—Section 537.)

Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine or imprisonment which may be imposed.	Daily fine which may be imposed.
1	2	3	4
Schedule XVI, rule 87.	Erection of hut without fresh permission after lapse of original permission.	Twenty-five rupees.	
Schedule XVII, rule 2.	Requisition on owner or occupier to lime-wash or otherwise cleanse building.	Twenty-five rupees.	Five rupees.
Schedule XVII, rule 4.	Requisition on owner or person concerned to secure, enclose, cleanse or clear land or building which is untenanted, filthy or a nuisance.	One hundred rupees.	Ten rupees.
Schedule XVII, rule 5, sub-rule (1).	Requisition on owner or occupier to take down, repair or secure wall, building or fixture in a ruinous state, etc.	Five hundred rupees.	Fifty rupees.
Schedule XVII, rule 5, sub-rule (2).	Requisition on inmate to vacate building in ruinous state, etc.	One hundred rupees.	Ten rupees.
Schedule XVII, rule 7, sub-rule (1).	Requisition on owners or occupiers to execute works or take measure with respect to buildings or block of buildings in order to prevent risk of disease.	Five hundred rupees in the case of a masonry building or block of masonry buildings, and one hundred rupees in the case of a hut or block of huts.	One hundred rupees in the case of a masonry building or block of masonry buildings, and twenty rupees in the case of a hut or block of huts.
Schedule XVII, rule 8, sub-rule (1).	Requisition to cleanse, fill up or de-water well, pool, ditch, tank, pond or marshy ground, or to drain off or remove waste or stagnant water.	Two hundred and fifty rupees.	Twenty-five rupees.
Schedule XVII, rule 10, sub-rule (3).	Making excavation or digging cess-pool, tank, pond, well or pit after prohibition.	Two hundred and fifty rupees.	
Schedule XVII, rule 10, sub-rule (4).	Requisition on owner or occupier of land to fill up excavation, cesspool, tank, pond, well or pit unlawfully made.	Two hundred and fifty rupees.	Twenty-five rupees.

XXXIII of 1951.]

(Part VIII.—Chapter XXXV.—Penalties.—Sections 538, 539.)

538. Whoever commits any offence by contravening any provision of the section or any of the sub-sections of this Act mentioned in the first column of the following table shall, notwithstanding anything contained in section 537, be punishable for a second or subsequent offence, with fine or imprisonment or with both, to the extent mentioned in the third column thereof.

Certain offences punishable with increased fine or imprisonment or both for a second or subsequent conviction.

Explanation.—The entries in the second column of the following table, headed “Subject” are not intended as definitions of the offences described in the provisions mentioned in the first column, or even as abstracts of those provisions, but are inserted merely as references to the subject thereof:—

Section or sub-sections.	Subject.	Maximum fine or imprisonment, or both, which may be imposed for a second or subsequent offence.
1	2	3
Section 461, sub-section (1)	Sale, etc., of adulterated or misbranded food or drug.	One thousand rupees, or imprisonment for six months, or both.
Section 462, sub-section (1)	Sale, etc., of milk, butter, ghee, other milk products, wheat flour, mustard oil, tea, stalky tea, edible oil, edible fat, sugar, <i>gur</i> or notified article, which is not of the prescribed quality or is not labelled or marked in the prescribed manner.	One thousand rupees, or imprisonment for six months, or both.
Section 462, sub-section (2)	Sale, etc., of articles similar to milk, butter, ghee, etc.	Five hundred rupees, or imprisonment for six months, or both.
Section 465, sub-section (1)	Keeping or permitting to be kept substance intended to be used for adulteration of milk, butter, ghee, wheat flour, mustard oil, tea, edible oil, edible fat, sugar, <i>gur</i> or notified article.	Five hundred rupees, or imprisonment for three months, or both.
Section 468, sub-section (1)	Sale of diseased or unwholesome animal or article intended for human consumption.	Five hundred rupees, or imprisonment for three months, or both.

539. Whoever contravenes any provision of any rule made under section 502, shall be deemed to have committed an offence punishable under section 188 of the Indian Penal Code.

Punishment for contravening rule made under section 502.

[West Ben. Act

(Part VIII.—Chapter XXXV.—Penalties.—Sections 540—542.)

540. If any municipal officer or servant knowingly acquires, directly or indirectly, by himself or a partner or employer or employee, otherwise than as such officer or servant, any pecuniary interest, direct or indirect, in any contract or proposed contract or employment with the Corporation, not being an interest referred to in the proviso to section 94, sub-section (1), he shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code.

Punish-
ment for
acquir-
ing share
or interest
in contract,
etc., with
the Corpora-
tion.

Act XLV
of 1860,

541. (1) If any person—

(a) owns or is in charge of any carriage or animal liable to any tax imposed under Chapter XII, or

(b) exercises on or after the first day of July in any year, any profession, trade or calling referred to in Chapter XIII, or

(c) exercises on or after the first day of June or the first day of December in any year any calling referred to in Chapter XIV or

Fine for
not taking
out cert in
licences.

ago 514—

In clause (d) of sub-section (1) of section 541, for the words "advertisement license fee", substitute the word "tax".

{Substituted by West Ben. Act VI of 1967, section 9.)

[No. 5, dated the 1st May, 1970.]

(i) may extend to three times the amount payable in respect of such license, and

(ii) shall not ordinarily be less than one-and-a-half times such amount.

(2) Such fine, when levied, shall be taken in full satisfaction of the demand on account of the said license.

(3) The provisions of this section shall apply to any person who, having compounded for the payment of a certain sum under section 213, fails to pay such sum, the amount due for a license being taken as the amount so compounded for.

542. If the erection of any new building—

(a) is commenced without obtaining any permission required by or under this Act, or

(b) is carried on or completed otherwise than in accordance with the particulars on which such permission was based, or

(c) is carried on or completed in breach of any provision contained in this Act or in any rules or by-laws made thereunder, or of any direction or requisition lawfully given or made under this Act or such rules or by-laws, or

Fine for
unlawfully
commenc-
ing,
carrying
on or
complet-
ing
building
work.

if any alteration of, or addition to, any building or any other work made or done for any purpose in, to or upon any building is commenced, carried on or completed in breach of section 387,

the owner of the building shall be liable to fine which may extend in the case of masonry building to one thousand rupees

XXXIII of 1951.]

(Part VIII,—Chapter XXXV.—Penalties.—Sections 543—546.)

and in the case of a hut to fifty rupees, and to further fine which may extend in the case of a masonry building to two hundred and fifty rupees and in the case of a hut to ten rupees for each day during which the offence is continued after the first day.

543. When a new building has been erected, or when any building has been altered or added to after a statement has been made, under rule 51 or rule 79 of Schedule XVI, that it was intended to use the building or any substantial part thereof for any of the purposes specified in Schedule XVIII, or as a stable, cattle-shed or cow-house, then any person putting the building or such part thereof to any use other than that so stated shall be liable—

Fine for putting building to other than declared

- (a) in the case of a masonry building, to fine which may extend to two hundred and fifty rupees, and to further fine which may extend to fifty rupees for every day after the first during which he continues such use, and
- (b) in the case of a hut, to fine which may extend to twenty-five rupees, and to further fine which may extend to five rupees for every day after the first during which he continues such use.

544. When a new building has been erected, or when any building has been altered or added to under this Act without any statement having been made under rule 51 or rule 79 of Schedule XVI, that it was intended to use the building or any substantial part thereof for any of the purposes specified in Schedule XVIII, or as a stable, cattle-shed or cow-house, then any person using the building or such part thereof for any of those purposes shall be liable—

Fine for using building for carrying on offensive trade without previous declaration.

- (a) in the case of a masonry building, to fine which may extend to two hundred and fifty rupees, and to further fine which may extend to fifty rupees for every day after the first during which he continues such use, and
- (b) in the case of a hut, to fine which may extend to twenty-five rupees, and to further fine which may extend to five rupees for every day after the first during which he continues such use.

545. Any person who, in contravention of section 606, obstructs, or molests any person with whom the Corporation has entered into a contract, or, in contravention of section 607, removes any mark, shall be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to two months.

Penalty for obstructing contractor or removing mark.

546. No person shall cause any damage to any property belonging to the Corporation. Any person causing damage to any property belonging to the Corporation shall be punished with fine which may extend to one thousand rupees.

Penalty for causing damage to property belonging to Corporation.

[West Ben. Act

(Part VIII.—Chapter XXXV.—Penalties.—Sections 547, 547A.—Chapter XXXVI.—Procedure.—Section 548.)

Penalty on
mehtars,
etc.,
withdrawing from
work
without
notice.

Punish-
ment of
imprison-
ment in
default of
payment
of fine.

547. Any *mehtar* or other servant of the Corporation referred to in section 429 who withdraws from his duties in contravention of that section shall be punished with fine which may extend to fifty rupees, or with simple imprisonment for a term which may extend to three months, or with both, and shall be liable to forfeit any salary which may be due to him.

¹547A. In every case of an offence punishable with imprisonment or fine, or with fine only, in which the offender is sentenced to pay a fine, it shall be competent to the Court to direct that in default of payment of the fine the offender shall suffer imprisonment for such term or further term not exceeding six months as may be fixed by the Court.

CHAPTER XXXVI.

PROCEDURE.

Licenses and written permissions.

Duration,
conditions,
signature,
suspension,
revocation
and pro-
duction of
licenses
and written
permis-
sions.

548. (1) Every license and written permission granted under this Act or under any rule or by-law made thereunder shall be signed by the Commissioner and shall specify, in addition to any other matter required to be specified under any other section of this Act—

- (a) the date of the grant thereof ;
- (b) the purpose and the period (if any) for which it is granted ;
- (c) the restrictions and conditions (if any) subject to which it is granted ;
- (d) the name and address of the person to whom it is granted ; and
- (e) the tax or fee, if any, paid for the license or written permission.

(2) Except when it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, for every such license or written permission a fee may be charged at such rate as may from time to time be fixed by the Corporation and such fee shall be payable by the person to whom the license or written permission is granted.

(3) Subject to the provision of proviso (i) to sub-section (1) of section 451 any license or written permission granted under this Act or under any rule or by-law made thereunder may at any time be suspended or revoked by the authority by whom it was granted, if any of its restrictions or conditions is infringed

¹Section 547A was inserted by sec. 96 of the Calcutta Municipal (Amendment) Act, 1958 (West Ben. Act XIX of 1958).

XXXIII of 1951.]

(Part VIII.—Chapter XXXVI.—Procedure.—Sections 549—551.)

or evaded by the grantee, or if the grantee is convicted of a breach of any of the provisions of this Act or of any rule or by-law made thereunder in any matter to which such license or permission relates.

(4) When any such license or written permission is suspended or revoked, or when the period for which the same was granted has expired, the grantee shall for all purposes of this Act or of any rule or by-law made thereunder be deemed to be without a license or written permission until such time (whether within the said period or otherwise) as the authority granting the same may see fit to cancel the order suspending or revoking the license or written permission or until the license or written permission is renewed, as the case may be.

(5) Every grantee of any such license or written permission shall at all reasonable times, while such license or written permission remains in force, produce the same at the request of the Commissioner.

Public notices and advertisements.

549. Every public notice given under this Act or under any rule or by-law made thereunder shall be in writing under the signature of the Commissioner, and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in local newspapers, or by any two or more of these means, and by any other means, that the Commissioner may think fit.

Public notices, how to be made known.

550. Whenever it is provided by this Act or by any rule or by-law made thereunder that notice shall be given by advertisement in local newspapers, or that a notification or any information shall be published in local newspapers, such notice, notification or information shall be inserted, if practicable, in at least two English newspapers and two vernacular newspapers published in Calcutta.

Newspapers in which advertisements or notices to be published.

Evidence.

551. Whenever under this Act or under any rule or by-law made thereunder the doing or the omitting to do anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of—

- (a) the Corporation or any Standing Committee, or
- (b) the Commissioner or any municipal officer,

as the case may be, a written document signed—

Proof of consent, etc., of Corporation, Commissioner or municipal officer.

[West Ben. Act

(Part VIII.—Chapter XXXVI.—Procedure.—Sections 552—554.)

(i) in cases referred to in clause (a) by the Secretary to the Corporation, and

(ii) in cases referred to in clause (b) by the Commissioner or the said municipal officer,

purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

Signature and services of notices, etc..

Signature
on notices,
etc.,
may be
stamped.

552. (1) Every license, written permission, notice, ¹[notice of demand,] bill, summons or other document which is required by this Act or by any rule or by-law made thereunder to bear the signature of the Commissioner or any municipal officer, shall be deemed to be properly signed if it bears a facsimile of the signature of the Commissioner or such municipal officer, as the case may be, stamped thereupon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the Municipal Fund under section 118.

Notices,
etc., by
whom to
be served
or issued.

553. All notices, ²[notices of demand,] bills, summonses and other documents, required by this Act or by any rule or by-law made thereunder to be served upon, or issued to, any person, shall be so served or issued by municipal officers or servants or by other persons authorised by the Commissioner in that behalf.

Service,
how to be
effected
on owner
or occu-
pier of
premises.

554. When any notice, ³[notice of demand,] bill, summons or other document is required by this Act or by any rule or by-law made thereunder to be served upon or issued to any person as owner or occupier of any land or building, it shall not be necessary to name the owner or occupier in the document, and the service or issue thereof shall be effected—

(a) by giving or tendering such document to the owner or occupier :

Provided that if there is more than one owner or occupier and it is not in the opinion of the Commissioner practicable to serve the document on every one of them, the Commissioner may serve the document on any one or more of them as he thinks fit ;

(b) if the owner or occupier is not found, by giving or tendering such document or by sending it by registered post to any adult male member of the family, or to a servant in the employ, of the owner or occupier or of any one of the owners or occupiers ; or,

¹These words were inserted by sec. 97 of the Calcutta Municipal (Amendment) Act 1953 (West Ben. Act XIX of 1953).

²These words were inserted by sec. 98, *ibid.*

³These words were inserted by sec. 99, *ibid.*

XXXIII of 1951.]

(Part VIII.—Chapter XXXVI.—Procedure.—Sections 555—557.)

- (c) if none of the means mentioned in clause (a) or clause (b) be available, by causing a notice on yellow paper, in the form prescribed in Schedule XXII, or in a form to the like effect, setting forth the substance of such document to be affixed on some conspicuous part of the land or building to which the document relates.

555. When any notice, ¹[notice of demand,] bill, summons or other document is required by this Act or by any rule or by-law made thereunder to be served upon or issued to any person otherwise than as owner or occupier of any land or building, such service or issue shall be effected—

Service, how to be effected otherwise than on owner or occupier of premises.

- (a) by giving or tendering such document to such person ; or,
- (b) if such person is not found, by leaving such document at his last known place of abode or business in Calcutta, or by giving or tendering the same or by sending it by registered post to any adult male member of his family or servant in his employ ; or
- (c) if such person does not reside in Calcutta and his address elsewhere is known to the Commissioner by forwarding such document to him by registered post under cover bearing the said address ; or
- (d) if none of the means referred to in clause (a), (b) or (c) be available, by causing a notice on yellow paper in a form prescribed in Schedule XXII ; or in a form to the like effect, setting forth the substance of such document, to be affixed on some conspicuous part of the land or building (if any) to which the document relates.

556. Nothing in sections 553, 554 and 555 shall apply to any summons issued under this Act by a Magistrate.

Sections 553, 554 and 555 not to apply to Magistrate's summons.

Powers of entry.

557. The Commissioner may enter into or upon any premises, with or without assistants or workmen, in order to make any inspection, survey, measurement, valuation or inquiry or execute any work which is authorised by this Act or by any rule or by-law made thereunder, or which, in his opinion, it is necessary for any of the purposes or in pursuance of any of the provisions of this Act or of any such rule or by-law, to make or execute :

Power to Commissioner to enter premises to inspect, survey, etc., and to use force in certain

¹These words were inserted by sec. 100 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

[West Ben. Act

(Part VIII.—Chapter XXXVI.—Procedure.—Section 558.)

Provided as follows :—

- (a) except when it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, no such entry shall be made between sunset and sunrise ;
 - (b) except when it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, no dwelling-house, and no public building or hut which is used as a dwelling-place, shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier at least twenty-four hours, previous written notice of the intention to make such entry ;
 - (c) notwithstanding any power to enter any premises conferred upon the Commissioner by this Act or by any rule or by-law made thereunder, sufficient notice of such entry shall in every instance be given to enable the inmates of any apartment appropriated to females to withdraw to some part of the premises where their privacy need not be disturbed ;
 - (d) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.
- (2) The Commissioner shall not use any force for the purpose of effecting any entry under sub-section (1), unless—
- (i) such entry cannot otherwise be effected, and
 - (ii) there is reason to believe that an offence is being, or has been, committed against any provision of this Act or any rule or by-law made thereunder.
- (3) Except when it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, no claim shall lie against any person for compensation for any damage necessarily caused by any entry made under sub-section (1), or by the use of any necessary force under sub-section (2).

Power to
Commis-
sioner to
enter on
lands
adjacent
to works.

558. (1) The Commissioner may enter upon any land adjoining or within ¹[one hundred metres] of any work authorised by this Act or by any rule or by-law made thereunder for the purpose of depositing upon such land any soil, gravel, sand, lime, bricks, stone or other materials, or of obtaining access to such works, or for any other purpose connected with the carrying on of such works.

¹Substituted for the words "one hundred yards" by sec. 112 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

(Part VIII.—Chapter XXXVI.—Procedure.—Sections 559, 560.)

(2) The Commissioner shall, before entering upon any land under sub-section (1) unless otherwise provided in this Act or any rule or by-law made thereunder, give the owner and occupier (if any) three days' previous written notice of his intention to make such entry, and of the purpose thereof, and shall, if so required by the owner or occupier, set apart by sufficient fences so much of the land as may be required for the purpose mentioned in the said sub-section.

(3) The Commissioner shall not be bound to make any payment, tender or deposit before entering upon any land under sub-section (1), but shall do as little damage as may be, and shall pay compensation to the owner and occupier (if any) of the land for such entry and for any temporary damage that may be done in consequence thereof, and shall also pay compensation to the said owner for any permanent damage resulting therefrom.

(4) If such owner or occupier is dissatisfied with the amount of compensation paid to him by the Commissioner, he may appeal to the Corporation, whose decision shall be final.

559. No person shall, in any way, obstruct the Commissioner in making any entry under section 557, or section 558 or any municipal officer or other person accompanying the Commissioner at his request or acting under his orders for the purposes of such entry.

Prohibition of obstructing entry under section 557 or section 558.

Enforcement of orders to execute work, etc.

560. (1) When any requisition or order is made under this Act or under any rule or by-law made thereunder, by written notice issued by a municipal authority or by any municipal officer empowered under section 34 in this behalf—

- (a) a reasonable period shall be prescribed in such notice for carrying such requisition or order into effect, and
- (b) a reasonable period shall be prescribed in such notice within which any written objection thereto shall be received by the municipal authority or the municipal officer issuing the notice.

Time for complying with requisition or order, and power to Commissioner to enforce requisition or order in default of person directed.

(2) If, in any case not otherwise provided for under this Act or under any rule or by-law made thereunder, such requisition or order or any portion thereof is not complied with within the period prescribed under clause (a) of sub-section (1) the Commissioner may, subject to the provisions of section 561, and

[West Ben. Act

(Part VIII.—Chapter XXXVI.—Procedure.—Section 561.)

subject to such rules as may be made by the Corporation for the purpose, take such measures, or cause such work to be executed or such things to be done, as may, in his opinion, be necessary for giving due effect to the requisition or order so made ;

and, unless it is under this Act or under any rule or by-law made thereunder otherwise expressly provided, the expenses thereof shall be paid by the person or by any one of the persons to whom such requisition or order was addressed.

(3) The Commissioner may take any measures, execute any work or cause anything to be done under this section whether or not the person who has failed to comply with the requisition or order is liable to punishment, or has been prosecuted or sentenced to any punishment, under this Act or under any rule or by-law made thereunder for such failure.

Submis-
sion of
objections
to compli-
ance with
notice.

561. (1) Any person who is served with a written notice in which a period for receiving objections has been prescribed under clause (b) of sub-section (1) of section 560 may, within the said period, deliver to the municipal authority or the municipal officer by whom it was issued a written objection setting forth any reasons which he may desire to urge for the withdrawal or modification of the notice.

(2) Every such objection shall be placed before the ¹[Commissioner] for determination and pending such determination, the carrying out of the requisition or the order into effect shall be stayed.

(3) The ²[Commissioner or, if he so directs, a Deputy Commissioner who has not issued the written notice] shall after hearing the objector or any person authorised by him in writing in his behalf (if the objector or such person appears on the date fixed for hearing of which notice shall be given to the objector) and after considering the circumstances of the case pass such order as ³[he thinks fit] confirming, modifying or cancelling the notice.

(4) (a) **Voges 522, 523—.**

ssioner refer
an order un
notice—

In clause (a) of sub-section (4) of section 561,—

(a) in sub-clause (i), for the words "by he", *substitute*
the words "by him";

¹Substituted for the words "Standing Committee" by sec. 113(a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Substituted for the words "Standing Committee" by sec. 113(b) (i), *ibid.*

³Substituted for the words "it thinks fit" by sec. 113 (b) (ii), *ibid.*

⁴Substituted for the words "Standing Committee" by sec. 113(c) (i), *ibid.*

XXXIII of 1951.]

(Part VIII.—Chapter XXXVI.—Procedure.—Sections 562, 563.)

(i) ¹[he] may, if ¹[he] thinks fit, direct that a portion of the expenses to be incurred in complying with the notice as confirmed or modified by ¹[he]* shall be borne by the Corporation.

(b) in sub-clause (ii), for the words "by he", substitute the words "by him".

on under sub-
fit, fix a time
or modified by

(Substituted by West Ben. Act VI of 1967, section 10.)

[No. 5, dated the 1st May, 1970 ¹

(i) where a time has been fixed under sub-clause (ii) of clause (a) and the notice as confirmed or modified is not complied with within such time, the Commissioner shall cause measures to be taken, work to be executed or things to be done in accordance with the notice as confirmed or modified and the expenses incurred by the Commissioner therefor shall be paid by the objector or any other person on whom the notice was served, and notwithstanding that any direction was given under sub-clause (i) of clause (a) the Corporation shall not bear any portion of the expenses.

(5) This section and section 560 shall apply subject to any special provisions in this Act governing any case.

Recovery of expenses.

562. Whenever under this Act or under any rule or by-law made thereunder the expenses of any work executed or of any measures taken or thing done by, or under the order of any municipal authority, any Magistrate or any municipal officer empowered under section 34 in this behalf, are payable by any person, the Corporation may, if it thinks fit, instead of recovering any such expenses in any other manner provided in this Act or in any rule or by-law made thereunder, take an agreement with proper security from the said person to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate of not less than six *per centum per annum* within a period of not more than six years.

Power to
Corpora-
tion to
accept
agreement
for pay-
ment of
expenses
in instal-
ments.

563. (1) If any expenses to be recovered have been incurred or are to be incurred in respect of any work mentioned—

(a) in section 311, section 313, section 316, sub-section (1), section 324, section 331, section 374, section 400, section 454 or section 455, sub-section (1), clause (b) or rule 5 of Schedule XIII or rule 8 of Schedule XVII; or

Power to
Corporation
to declare
certain
expenses
to be
improvement
expenses.

(b) in any rule or by-law made under this Act by which this section is made applicable to such expenses,

the Corporation may, if it thinks fit, declare such expenses to be improvement expenses.

¹Substituted for the word "it" by sec. 113 (c) (i) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

*In these two cases the word should be "him".

[West Ben. Act

(Part VIII.—Chapter XXXVI.—Procedure.—Sections 564—567.)

(2) A register shall be maintained by the Commissioner showing all expenses declared to be improvement expenses under this section, and such register shall be open to inspection by any person upon payment of such fee as may from time to time be prescribed by the Corporation.

Improve-
ment
expenses
how
recover-
able and
by whom
payable.

564. (1) Improvement expenses, as declared under section 553, shall be a charge on the premises in respect of which or for the benefit of which the same have been incurred, and shall be recoverable in instalments of such amounts, and at such intervals, as will suffice to discharge such expenses, together with interest thereon at the rate of not less than six *per centum per annum*, within such period, not exceeding thirty years, as the Corporation may in each case determine.

(2) The said instalments shall be payable by the owner or occupier of the premises on which the expenses are so charged :

Provided that when the occupier pays any such instalment he shall, subject to any agreement to the contrary between the owner and the occupier, be entitled to deduct the amount thereof from the rent payable by him to the owner or to recover the same from the owner in any Court of competent jurisdiction.

Right of
owner or
occupier
to redeem
charge for
improve-
ment
expenses.

565. At any time before the expiration of the period for the payment of any improvement expenses, the owner or occupier of the premises on which the expenses are charged may redeem such charge by paying to the Corporation such part of the said expenses as are still payable.

Execution
of work by
occupier in
default of
owner and
deduction
of expenses
from rent.

566. Whenever the owner of any land or building fails to execute any work which he is required to execute under this Act or under any rule or by-law made thereunder, the occupier (if any) of such land or building may, with the approval of the Commissioner execute the said work, and he shall, subject to any agreement to the contrary between the owner and the occupier, be entitled to recover from the owner the reasonable expenses incurred by him in so doing and may deduct the amount thereof from the rent payable by him to the owner.

Relief to
receivers,
agents and
trustees.

567. (1) Whenever any person, by reason of his—

(a) receiving the rent of immovable property as a receiver, agent or trustee, or

(b) being as a receiver, agent or trustee the person who would receive the rent if the property were let to a tenant,

would, under this Act or under any rule or by-law made thereunder, be bound to discharge any obligation imposed thereby on the owner of the property and for the discharge of which money is required, and such person has not in his hands funds belonging or payable to the owner sufficient for the purpose,

XXXIII of 1951.]

(Part VIII.—Chapter XXXVI.—Procedure.—Sections 568—570.)

he shall, within a period of six weeks from the service upon him of any notice from any municipal authority or any municipal officer empowered under section 34 in this behalf requiring him to discharge the said obligation, be bound to apply to a Court of competent jurisdiction for leave to raise the necessary funds or for such other directions in relation thereto as the circumstances of the case may require.

(2) Any receiver, agent or trustee who fails to apply to the Court under sub-section (1) or who after the court has granted the leave to raise funds, fails to discharge the said obligation within twelve months of such order of the court shall be personally liable to discharge the said obligation.

Payment of compensation.

568. In any case not otherwise expressly provided for in this Act or in any rule or by-law made thereunder, the Corporation may pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested by this Act, or by any such rule or by-law, in any municipal authority or in any municipal officer or servant.

General power to Corporation to pay compensation.

569. (1) Any person who has been convicted of an offence against this Act or against any rule or by-law made thereunder shall, notwithstanding any punishment to which he may have been sentenced for the said offence, be liable to pay such compensation for any damage to any property of the Corporation resulting from the said offence as the Corporation may consider reasonable.

Compensation to be paid by offenders for damage caused by them.

(2) In the event of dispute regarding the amount of compensation payable under sub-section (1), such amount shall, on application made to him, be determined by the Magistrate before whom the said person was convicted of the said offence; and, on non-payment of the amount of compensation so determined, the same shall be recovered under a warrant from the said Magistrate as if it were a fine inflicted by him on the person liable therefor.

Recovery of expenses or compensation in case of dispute.

570. (1) If, when the Corporation demands payment of any expenses referred to in section 562, its right to demand the same or the amount of the demand is disputed, the Corporation shall refer the case for the determination of the Court of Small Causes having local jurisdiction, or if the amount involved exceeds two thousand rupees, to the High Court.

Reference by Corporation to small Cause Court in certain cases.

(2) The Corporation shall, pending the decision on any such reference, defer further proceedings for the recovery of the sum claimed by it, and shall, after the decision, proceed to recover only such amount (if any) as is thereby declared to be due.

[West Ben. Act

(Part VIII.—Chapter XXXVI.—Procedure.—Sections 571—575.)

Application
to Small
Cause
Court in
other

571. (1) Where, in any case not provided for by section 570 any municipal authority, or any municipal officer or servant or any other person is, required by this Act, or by any rule or by-law made thereunder to pay any expenses or any compensation, the amount to be so paid and, if necessary, the apportionment of the same, shall, in case of dispute, be determined by the Court of Small Causes having local jurisdiction, or by the High Court, as the case may be, on application being made to it for this purpose at any time within one year from the date when such expenses or compensation first became claimable.

(2) This section shall not apply to any case which is otherwise provided for in section 476, sub-section (3), section 569, sub-section (2), or section 583, sub-section (2), or in the Land Acquisition Act, 1894, as amended by section 524 of this Act.

I of 1894.

Recovery
of sums
ascertained
under
section 571
to be due.

572. If the amount of any expenses or compensation determined in accordance with section 571 is not paid on demand by the person liable to pay the same, it shall be recoverable as if the same were due under a decree of the Court of Small Causes, or in the manner provided for in Chapter XVII.

Power to
sue for
expenses
or
compensation.

573. Instead of proceeding in any manner hereinbefore prescribed for the recovery of any expenses or compensation of which the amount due has been ascertained as hereinbefore provided, or after such proceedings have been taken unsuccessfully or with only partial success, the Corporation or any other person claiming the sum due or the balance of the sum due, as the case may be, may recover such amount by suit brought in any Court of competent jurisdiction against the person liable for the same.

Recovery of certain dues.

Recovery
of certain
dues by
distress
and sale.

574. In any case not expressly provided for in this Act or in any rule or by-law made thereunder, any sum due to the Corporation on account of any charge, costs, expenses, fees, rates or rent or on any other account under this Act or under any such rule or by-law shall be recoverable from the person from whom such sum is due, as if it were a consolidated rate :

Provided that no proceedings for the recovery of any sum under this section shall be commenced after the lapse of three years from the date on which such sum becomes due.

Obstruction of owner by occupier.

Application
to Small
Cause
Court by
owner when
occupier
prevents his
complying
with
Act, etc.

575. (1) The owner of any land or building may, if he is prevented by the occupier thereof from complying with any provision of this Act or of any rule or by-law made thereunder, or with any requisition made under any such provision in respect of such land or building, apply to the Court of Small Causes having local

XXXIII of 1951.]

(Part VIII.—Chapter XXXVI.—Procedure.—Section 576.)

jurisdiction ; and where such application is made within any time that may be fixed for the compliance with such provision or requisition, the owner shall not be liable for his failure to comply with the provision or requisition within the time so fixed.

(2) The Court, on receipt of any such application, may make a written order requiring the occupier of the land or building to afford all reasonable facilities to the owner for complying with the said provision or requisition, and may also, if it thinks fit, direct that the costs of such application and order be paid by the occupier.

(3) After eight days from the date of any such order, the said occupier shall afford all such reasonable facilities to the owner for the purpose aforesaid as may be prescribed in the said order ; and in the event of his continued refusal to do so, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise incur by reason of his failure to comply with the said provision or requisition.

Proceedings before Court of Small Causes.

576. (1) Whenever under this Act or under any rule made thereunder, any application, appeal or reference is made to a Court of Small Causes, the said Court may, for the purposes of any inquiry or proceeding in connection with such application, appeal or reference, summon and enforce the attendance of witnesses and compel them to give evidence and compel the production of documents by the same means and, as far as is possible, in the same manner as is provided by the Presidency Small Cause Courts Act, 1882, or the Provincial Small Cause

General powers and procedure of Small Cause Courts.

XV of 1882.

Page 527—

*In sub-section (1) of section 576,—

- (a) in the first paragraph, for the words "the Presidency Small Cause Courts Act, 1882, or the Provincial Small Cause Courts Act, 1887, as the case may be", substitute the words "the Provincial Small Cause Courts Act, 1887" ;
- (b) in the second paragraph, for the words "Presidency Small Cause Courts Act, or of the said Provincial Small Cause Courts Act, as the case may be," substitute the words "Provincial Small Cause Courts Act,".

(Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

thereon shall, as necessary, be recoverable as if the same were due under a decree of the said Court.

is determined and in amount

[West Ben. Act

(Part VIII.—Chapter XXXVI.—Procedure.—Sections 577—578A.)

Fees in
proceed-
ings before
Small
Cause
Courts.

577. (1) The State Government may, by ¹notification in the *Official Gazette*, prescribe what fee (if any) shall be paid—

(a) on any application, appeal or reference made under this Act to a Court of Small Causes ; and

(b) for the issue, in connection with any inquiry or proceedings of any such Court under this Act, or any

Page 528—

*In the proviso to sub-section (1) of section 577, for the words "the Presidency Small Cause Courts Act, 1882, or the Provincial Small Cause Courts Act, 1887, as the case may be," substitute the words "the Provincial Small Cause Courts Act, 1887,".

(Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

tion, deter-
e (a) of sub-

(3) No application, appeal or reference shall be received by any Court of Small Causes until the fee (if any) prescribed therefor under clause (a) of sub-section (1) has been paid :

Provided that the said Court may, in any case, in which it thinks fit so to do,—

(i) receive an application, appeal or reference made by or on behalf of a poor person, and

(ii) issue process on behalf of any such person,

without payment or on part payment of the fees prescribed under this section.

Repay-
ment of
half-fees on
settlement
before
hearing.

578. Whenever any application, appeal or reference made under this Act to a Court of Small Causes, is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the said Court to the parties by whom the same have respectively been paid.

Territorial
jurisdic-
tion of
Courts of
Small
Causes.

*578A. Notwithstanding anything to the contrary contained in any other law, the Court of Small Causes having jurisdiction in the place, or having local jurisdiction, as the case may be, referred to in sections 183, 337, 570, 571 and 575 shall mean—

(a) in any place within the local limits of the jurisdiction of the Court of Small Causes of Calcutta, that Court,

Page 528—

*Omit section 578A.

(Omitted by West Ben. Act XVII of 1965 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

Small Causes, Sealdah.

in applications, appeals and
27.2.53, published in the

* Calcutta Municipal (Amendment) Act, 1960 (West Ben. Act IV of 1960).

XV of
1882.
IX of
1-87.

XXXIII of 1951.]

(Part VIII.—Chapter XXXVI.—Procedure.—Sections 579—581.)

Proceedings before Magistrates.

579. (1) The State Government may appoint one or more Magistrates for the trial of offences against—

Municipal
Magis-
trates.

(a) this Act,

(b) the rules or by-laws made thereunder, and

(c) the Bengal Vaccination Act, 1880, and the Epidemic Diseases Act, 1897,

Ben. Act
V of 1880.
III of
1897,

and may prescribe the times and places at which such Magistrates shall sit.

Page 529—
Such Magistrates shall sit at all other places within the limits of the port of Calcutta or within the limits of the Presidency Magistrates for the purposes of the Code of Criminal Procedure, 1898”

(2) Such Magistrates shall sit at all other places within the limits of the Presidency Magistrates for the purposes of the Code of Criminal Procedure, 1898”
(Omitted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

Act V of
1898.

[No. 2, dated the 1st May, 1970.]

(3) The Corporation shall, out of the Municipal Fund, pay to the State Government the amounts of the salary, pension and leave-allowances as fixed under sub-section (2), together with the cost of the establishments of the said Magistrates, and all other incidental charges in connection with such establishments.

(4) Each such Magistrate shall have jurisdiction over the whole of Calcutta.

580. All offences against this Act or against any rule or by-law made thereunder, whether committed within or without Calcutta, shall be cognizable by any Magistrate having jurisdiction in Calcutta; and such Magistrate shall not be deemed to be incapable of taking cognizance of any such offence or of any offence against any enactment hereby repealed by reason only of his being—

Cognizance
of offences.

(a) liable to pay any municipal rate or other tax, or

(b) benefited by the Municipal Fund.

581. If any person summoned to appear before a Magistrate to answer a charge of an offence against this Act or against any rule or by-law made thereunder fails to appear at the time and place mentioned in the summons, or on any date to which the hearing of the case may be adjourned, the Magistrate may, if—

Power to
Magis-
trate to
hear cases
in absence
of accused
when
summoned
to appear.

(a) service of the summons is proved to his satisfaction, and

[West Ben. Act

(Part VIII.—Chapter XXXVI.—Procedure.—Sections 582, 583.)

(b) no sufficient cause is shown for the non-appearance of such person,

hear and determine the case in his absence.

Limitation
of time
for prose-
cution.

582. (1) No person shall be liable to punishment for any offence against this Act or against any rule or by-law made thereunder, unless complaint of such offence is made before a Magistrate ¹* * * * * within six months, next after—

(a) the date of the commission of such offence, or

(b) the date on which the commission or existence of such offence was first brought to the notice of the Corporation or the Commissioner.

(2) Failure to take out a license under this Act shall be deemed, for the purpose of sub-section (1), to be a continuing offence until the expiration of the period for which the license is required to be taken out.

Complaints
concerning
nuisances,
and proce-
dure
therefor.

583. (1) The Corporation, or any person who resides or owns property in Calcutta, may complain to a Magistrate, of the existence of any nuisance.

(2) Upon receipt of any such complaint, the Magistrate, after making such enquiry as he thinks necessary, may, if he sees fit, by written order direct the person responsible for the nuisance or the owner of the land or premises on which the nuisance has taken place, to take such measures as to such Magistrate may seem practicable and reasonable, and within such period as may be specified in the order, for abating, preventing, removing or remedying such nuisance, and may direct the Corporation to put in force any of the provisions of this Act or of the rules or by-laws made thereunder. The Magistrate may further direct the person held responsible for the nuisance to pay to the complainant such reasonable cost of and relating to the said complaint as he shall determine inclusive of compensation for the loss of time in prosecuting such complaint :

Provided that where in the opinion of the Magistrate immediate action to prevent the nuisance is necessary, he may dispense with the inquiry and make such order as he considers necessary forthwith.

(3) If the person directed to take action by an order under sub-section (2) fail to do so within the time specified in the order, the Commissioner may, on the expiry of the said period, proceed to take action as directed in the order, or may take such other measures to abate, prevent, remove or remedy the nuisance as he considers necessary, and all expenses incurred in that connection shall be recoverable from the person against whom the Magistrate has made the order.

¹The words "within three months, or, if the offence be against the provisions of section 177," were omitted by sec. 114 of the Calcutta Municipal (Second Amendment) Act, 1961 (West Ben. Act XVIII of 1961).

XXXIII of 1951.]

(Part VIII.—Chapter XXXVI.—Procedure.—Sections 584, 585.)

584. When under this Act or under any rule or by-law made thereunder any person is liable, in respect of any unlawful work,—

- (a) to pay a fine, and
- (b) to be required to demolish the work,

a Magistrate may, in his discretion, direct the said person to pay the fine and also to demolish the work.

Power to Magistrate to direct demolition and payment of the fine in respect of unlawful work.

Legal proceedings.

585. The Corporation may—

- (a) take or withdraw from proceedings against any person who is charged with—
 - (i) any offence against this Act or any rule or by-law made thereunder ;
 - (ii) any offence which affects or is likely to affect any property or interest of the Corporation or the due administration of this Act ;
 - (iii) committing any nuisance whatsoever ;
- (b) contest or compromise an appeal against assessment of any rate or tax ;
- (c) take, withdraw from or compromise proceedings under sections 569 and 571 for the recovery of expenses or compensation claimed to be due to the Corporation ;
- (d) withdraw or compromise any claim against any person in respect of a penalty payable under a contract entered into with such person by the Commissioner on behalf of the Corporation ;
- (e) defend any suit or other legal proceeding brought against the Corporation or against any municipal authority, officer or servant in respect of anything done or omitted to be done by them respectively in their official capacity ;
- (f) compromise any claim, suit or other legal proceeding brought against the Corporation or against any municipal authority, or any municipal officer or servant in respect of anything to be done or omitted to be done as aforesaid ;
- (g) institute and prosecute any suit or withdraw from or compromise any suit or claim other than a claim of the description specified in clause (d) which has been instituted or made in the name of the Corporation ;

Power to Corporation to institute, etc., legal proceedings and obtain legal advice.

[West Ben. Act

(Part VIII.—Chapter XXXVI.—Procedure.—Sections 586—588.)

- (h) obtain such legal advice and assistance as it may from time to time think necessary or expedient to obtain, for any of the purposes mentioned in the foregoing clauses of this section or for securing lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority, officer or servant.

Notice,
limitation
and tender
of amends
in suit
against the
Corpora-
tion, etc.

586. (1) No suit shall be instituted against any municipal authority or any municipal officer or servant, or any person acting under the direction of any municipal authority or any municipal officer or servant in respect of any act purporting to be done under this Act or under any rule or by-law made thereunder, until the expiration of one month next after written notice has been delivered or left at the municipal office or the residence of such officer, servant or person, stating—

- (a) the cause of action,
- (b) the name and residence of the intending plaintiff, and
- (c) the relief which he claims,

(2) Every such suit shall be commenced within four months next after the accrual of the cause of action, and the plaint therein shall contain a statement that a notice has been delivered or left as required by sub-section (1).

(3) If the Corporation or any person to whom any notice is given under sub-section (1), satisfies the Court that the relief claimed was tendered to the plaintiff before the institution of the suit, the suit shall be dismissed.

(4) Nothing in the foregoing sub-sections shall apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

I of 1877.

Indemnity
to the
Corpora-
tion, etc.

587. No suit shall be maintainable against any municipal authority or any municipal officer or servant, or any person acting under the direction of any municipal authority or any municipal officer or servant, or of a Magistrate, in respect of anything done lawfully and in good faith and with due care and attention under this Act or under any rule or by-law made thereunder.

Resolution of doubts as to powers, etc., of municipal authorities.

Doubts as
to powers,
duties or
functions
of
municipal
authorities.

588. If any doubt arises as to the municipal authority to which any particular power, duty or function appertains, the Mayor shall refer the matter to the State Government and the decision of the State Government shall be final.

XXXIII of 1951.]

*(Part. VIII.—Chapter XXXVII.—Supplemental Provisions.—
Sections 589—591.)*

CHAPTER XXXVII.

Supplemental Provisions.

*Extension of Act to Howrah and to other municipalities in the
Pages 533-534—*

**Omit sections 589, 590 and 591.*

(Omitted by West Ben. Act XVII of 1965, section 6
and Schedule B.)

[No. 2, dated the 1st May, 1970.]

restrictions (if any) specified in such notification, all or any
portions of this Act.

n published
t may deter-
municipality of
bourhood of
fications and

Power to
State
Govern-
ment to
notify
intention
to extend
Act to
Howrah
or other
neighbour-
ing munici-
pality.

Amble

590. (1) The Commissioners of the Municipality of Howrah
or of such other neighbouring municipality as may be specified
in a notification published under section 589 or any inhabitants
or rate-payers thereof, may, if they object to the declaration
contained therein, submit their objection in writing to the State
Government within such period as may be specified in this
behalf in the said notification ; and the State Government shall
take such objections into consideration.

Power to
State
Govern-
ment to
extend Act
after con-
sidering
objections.

(2) When the said period has expired, and the State Govern-
ment has considered the objections (if any) which have been
submitted under sub-section (1), the State Government may, by
notification in the *Official Gazette*, extend to the Municipality of
Howrah or to any neighbouring municipality, or to a part thereof
specified in the said notification, as the case may be, all or any
of the portions of this Act which were specified in that notifica-
tion, subject to the modifications or restrictions (if any) specified
therein or subject to such other modifications or restrictions
(if any) as the State Government may think fit, or without modifi-
cation or restriction of any kind.

591. If all or any portions of this Act be extended to any
such municipality or to any part thereof, under section 590
then—

Effect of
extension
of Act.

(a) the Bengal Municipal Act, 1932, or the corresponding
portions of that Act, as the case may be, shall be re-
pealed in the said municipality or part thereof on and
from the date of such extension ; and

(b) except as the State Government may otherwise by notifi-
cation in the *Official Gazette* direct, all rules, by-laws,
orders, directions and powers made, issued or con-
ferred under the provisions of this Act which have

[West Ben. Act

(Part VIII.—Chapter XXXVII.—Supplemental Provisions.—
Sections 592, 593.)

been so extended and in force at the date of such extension, shall apply to the said municipality or part, in supersession of all corresponding rules, by-laws, orders, directions and powers made, issued or conferred under the said Bengal Municipal Act, 1932.

Ben. Act
XV of
1932.

Explanation.—The extension to the Municipality of Howrah or to any other municipality in the neighbourhood of Calcutta, or to any part thereof, of any portion of this Act shall not have the effect of placing the said municipality or part thereof under the authority of the Corporation of Calcutta.

Inclusion of areas in the neighbourhood of Calcutta within Calcutta, and exclusion of areas therefrom.

Power to
State
Govern-
ment to
include or
exclude
certain
areas
within
Calcutta
and from
Calcutta.

592. (1) The State Government may, by notification published in the *Official Gazette* and in such other manner as it may determine, declare its intention to include any special area in the neighbourhood of Calcutta within the limits of Calcutta, to be administered by the Corporation under this Act, or to exclude any special area from the limits of Calcutta.

(2) The local authority affected by the proposal for inclusion within or exclusion from the limits of Calcutta of the said area or any of the inhabitants thereof, may, if they object to such declaration, submit their objection in writing to the State Government within such period as may be specified in this behalf in the said notification; and the State Government shall take such objections into consideration.

(3) When the said period has expired and the State Govern-
ment has considered the objections (if any) which have been

Page 534—
*In sub-section (3) of section 592, for the words and figure
"Schedule I to this Act", substitute the words and letter
"Schedule A to the Howrah Municipal Act, 1965,".

(Substituted by West Ben. Act XVII of 1965, section 6
and Schedule B.)

[No. 2, dated the 1st May, 1970.]

Force and effect, and Schedule I to this Act shall be deemed to
be amended accordingly.

Effect of
inclusion
or
exclusion.

593. (1) When any area is included within the limits of
Calcutta under section 592, then—

XXXIII of 1951.]

(Part VIII.—Chapter XXXVII.—Supplemental Provisions.—
Sections 594, 595.)

Ben. Act
XV of
1932.
Ben. Act
III of
1885.
Ben. Act
V of 1919.
West Ben.
Act I of
1957.
West Ben.
Act XXXV
of 1968.

(a) the Bengal Municipal Act, 1932, or the Bengal Local Self-Government Act of 1885 or the Bengal Village Self-Government Act, 1919, ¹[or the West Bengal Panchayat Act, 1957, or the West Bengal Zilla Parishads Act, 1963,] as the case may be, if in force in such area, shall be deemed to be repealed therein ; and

(b) except as the Government may otherwise, by notification in the *Official Gazette*, direct, all rules, by-laws, regulations, orders, directions and powers made, issued or conferred under this Act and in force at the date of inclusion shall apply to the said area, in supersession of all corresponding rules, by-laws, regulations, orders, directions and powers (if any) made, issued or conferred under the Bengal Municipal Act, 1932, the Bengal Local Self-Government Act of 1885, or the Bengal Village Self-Government Act, 1919, ²[or the West Bengal Panchayat Act, 1957, or the West Bengal Zilla Parishads Act, 1963,] as the case may be.

(2) When any area is excluded from the limits of Calcutta under section 592, this Act and all rules, by-laws, regulations, orders, directions and powers, made, issued or conferred under this Act shall cease to apply thereto.

(3) The State Government may issue such orders as may be necessary to give effect to the inclusion or exclusion of the said area and any matters incidental or ancillary thereto.

Provision for inclusion within Calcutta of the area comprised within the Tollygunge Municipality.

594. The State Government may, at any time by ³notification in the *Official Gazette*, declare that the area comprised within the Municipality of Tollygunge shall be included within Calcutta and shall be administered under this Act and thereupon

Provision
for inclu-
sion of
Tollygunge
Municipal-
ity.

[Pages 535-536—

*Omit sections 594 and 595.

(Omitted by West Ben. Act XVII of 1965, section 6
and Schedule B.)

[No. 2, dated the 1st May, 1970.]

under section

Effect of
inclusion of
Tollygunge
Municipal-
ity.

¹Inserted by sec. 115(a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Inserted by sec. 115(b), *ibid*.

³For notification declaring that the area comprised within the Municipality of Tollygunge shall be included within Calcutta and shall be administered under the Act on and from the 1.4.68, see notification No. M.1M-79/53(1), dated 31.8.68, published in the *Calcutta Gazette, Extraordinary*, of 1968, Part-I, page 446.

[West Ben. Act

(Part VIII.—Chapter XXXVII.—Supplemental Provisions.—
Section 596.)

- (a) the Bengal Municipal Act, 1932, shall be deemed to be repealed in the area comprised within the Municipality of Tollygunge ; Ben. Act XV of 1932.
- (b) except as the State Government may, otherwise by notification in the *Official Gazette*, direct, all rules, by-laws, regulations, orders, directions and powers made, issued or conferred under this Act and in force at the date of the notification shall apply to the area comprised within the Municipality of Tollygunge in supersession of all corresponding rules, by-laws, regulations, orders, directions and powers (if any) made, issued or conferred under the Bengal Municipal Act, 1932 ;
- (c) the State Government may issue such orders as may be necessary to give effect to the inclusion within Calcutta of the area comprised within the Municipality of Tollygunge and any matters incidental or ancillary thereto.

Police.

Co-operation of the police.

596. (1) The Inspector-General of Police, West Bengal, and the Commissioner of Police, Calcutta, and their subordinates shall—

Pages 536-537— (a) co-operate with the Corporation for carrying into effect and enforcing the provisions of this Act and for Calcutta, and

*In section 596,—

- (a) in sub-section (1), for the words “and the Commissioner of Police, Calcutta and their”, substitute the word or servant words “and his”, and Magistrate under this Act.

(2) It shall be the duty of every police-officer in or outside Calcutta—

- (i) to communicate without delay to the proper municipal officer any information which he receives of a design to commit or of the commission of any offence against this Act or against any rule or by-law made thereunder, and
- (ii) to assist the Commissioner or any municipal officer or servant reasonably demanding his aid for the lawful exercise of any power vesting in the Corporation, in the Commissioner or in such municipal officer or servant under this Act or under any such rule or by-law.

(3) Any officer or servant of the Corporation, when empowered, on the recommendation of the Corporation, in that behalf by a general or special order of the Inspector-General of

XXXIII of 1951.]

(Part VIII.—Chapter XXXVI.—Supplemental Provisions.—

(b) in sub-section (3), omit the words "or the Commissioner of Police, Calcutta,"

**(Substituted and omitted by West Ben. Act XVII of 1965, of the pur-
section 6 and Schedule B.)**

e, Calcutta,

[No. 2, dated the 1st May, 1970.]

**597. (1) Any police-officer may arrest any person who com-
mit, in his view, any offence against this Act or against any rule
or by-law made thereunder, if the name and address of such
person be unknown to him, and if such person, on demand
declines to give his name and address or gives a name or address
which such officer has reason to believe to be false.**

**Power to
police to
arrest
offenders.**

**(2) No person so arrested shall be detained in custody after
his true name and address are ascertained or, without the order
of a Magistrate, for any longer time (not exceeding at the most
twenty-four hours from the arrest) than is necessary for bring-
ing him before a Magistrate.**

**(3) On the written application of the Commissioner, the
Deputy Commissioner, the Chief Engineer, the Health Officer,
or any other officer authorised in this behalf by the Commissioner
or any such officer, any police-officer above the rank of constable
shall arrest any person who obstructs the Commissioner or any
municipal officer or servant in the exercise or discharge of any
of the powers, duties and functions conferred by this Act or by
any rule or by-law made thereunder.**

Special provisions as to land and buildings in Hastings.

**598. Notwithstanding anything contained in this Act, all
land and buildings belonging to Government in that part of
Hastings which is included in Calcutta shall be subject to the
control of the General Officer Commanding the Presidency
District :**

**Control by
General
Officer
Com-
manding
the Presi-
dency
District
over
Govern-
ment land
and
buildings.**

**Provided that this section shall in no way derogate from the
powers vested in the Corporation or any other municipal
authority under Chapters XVIII and XIX and any other
provision of this Act enabling the Corporation or such authority
in the interests of the public health to require the owner or
occupier of any land or building in such part of Hastings to
remedy or abate any sanitary defects on or in such land or
building.**

**599. The Corporation shall not give or be deemed to have
given permission to erect a masonry building in that part of
Hastings which is included in Calcutta unless and until the
sanction of the Central Government has been obtained ; and
such sanction shall not be applied for unless the plan of the
building and the site-plan of the land are approved by the
Commissioner of Police.**

**Sanction
of Central
Govern-
ment
required
to erection
of masonry
building.**

[West Ben. Act]

*(Part VIII.—Chapter XXXVII.—Supplemental Provisions.—
Sections 600—602.)*

Demolition or alteration of buildings erected without such sanction.

✓600. (1) If the erection of any masonry new building in that part of Hastings which is included in Calcutta is, after the commencement of this Act, commenced, carried on or completed without obtaining the sanction of the Central Government, the Commissioner shall, if requested by the General Officer Commanding the Presidency District to do so,—

- (a) by written notice direct the owner to demolish or alter the building, or
- (b) himself cause the building to be demolished or altered at the expense of the owner.

(2) No person shall be entitled to any compensation on account of such demolition or alteration.

Provisions of sections 599 and 600 not to bar other provisions of the Act.

601. Notwithstanding anything contained in sections 599 and 600, permission to erect a masonry building in that part of Hastings which is included in Calcutta shall not be given so as to contravene, by rendering less strict, any of the provisions of this Act regulating the construction of buildings; and the provisions of section 600 shall be in addition to, and not in derogation of, any other powers of the Corporation or any other municipal authority under this Act to take proceedings for the demolition of any masonry new building erected in such part of Hastings after the commencement of this Act.

Water-supply, sewers and gas mains.

Preparation and maintenance of map in regard to water-supply system.

602. (1) The Corporation shall prepare and maintain a map showing the position of water mains and other particulars of the water-supply system generally, sewers, gas mains, telephone and electric cables and such other details as may be prescribed by the State Government by rules under this Act.

(2) Such map shall be open for inspection by the public, and copies thereof shall be supplied by the Corporation to the public, under such terms and conditions as may be laid down by the Corporation and at such costs as may from time to time be fixed by the Corporation.

(3) Every public company which lays down underground mains and cables shall contribute towards the cost of preparation and maintenance of the said map, such proportionate amount as may be prescribed by the State Government by rules under this Act.

XXXIII of 1951.]

*(Part VIII.—Chapter XXXVII.—Supplemental Provisions.—
Sections 603—607.)*

General provisions.

603. Where a power is expressed as being conferred on any authority to require a person to do a number of things, that authority may from time to time in its discretion require that person to do any one or more of those things.

Power to authority to require any one or more of a number of things to be done.

604. Whenever any right is conferred or duty imposed by or under this Act, or by any rule or by-law made thereunder, on the owner or occupier of any premises, and, in consequence of there being gradations of owners or occupiers, doubt arises as to who is the owner or occupier entitled to exercise such right or bound to perform such duty, the Commissioner may, after due inquiry, determine from time to time which of such owners or occupiers shall be deemed to be so entitled or bound :

Who to be deemed owner or occupier, where there are gradations of owners or occupiers.

Provided that if the name of any one of such owners or occupiers has been entered in the assessment-book in pursuance of any decision given by the Commissioner under section 187, sub-section (2), such owner or occupier shall be deemed to be so entitled or bound until his name is duly removed from the said assessment-book.

605. Every Councillor and Alderman, every person associated with a Standing Committee under sub-section (2) of section 15, the Commissioner, every municipal officer and servant, every auditor appointed under section 155, every contractor or agent for the collection of any municipal rate or other tax or fee and every servant or other person employed by any such contractor or agent, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Councillors, Aldermen, Commissioner, municipal officers, etc., to be deemed public servants.

Act XLV
of 1860.

606. No person shall obstruct or molest any person not being a person referred to in section 605 with whom the Commissioner has entered into a contract on behalf of the Corporation, in the performance or execution by such person of his duty or of anything which he is empowered or required to do by virtue, or in consequence of, this Act or any rule or by-law made thereunder.

Prohibition of obstruction of municipal contractors.

607. No person shall remove any mark set up for the purpose of indicating any level, measurement or direction necessary to the execution of works authorised by this Act or by any rule or by-law made thereunder.

Prohibition of removal of mark.

[West Ben. Act.

*(Part VIII.—Chapter XXXVII.—Supplemental Provisions.—
Sections 608—609.)**Construction of references and savings.*Construction
of
references
in other
enact-
ments

608. In every enactment in force at the commencement of this Act, unless a different intention appears,—

- (a) all references to the Chairman of the Corporation of Calcutta or the Executive Officer shall be construed as references to the Commissioner,
- (b) all references to the Deputy Chairman or the Vice-Chairman of the said Corporation shall be construed as references to the Deputy Commissioner,
- (c) all references to the Commissioners of the said Corporation shall be construed as references to the Councillors and Aldermen referred to in section 7, and
- (d) all references to, or to any chapter or section of the Calcutta Municipal Act, 1899 or the Calcutta Municipal Act, 1923, shall, so far as is possible, be construed as references to this Act or to its corresponding chapter or section.

Ben. Act
III of 1899,
Ben. Act
III of 1923.Savings as
to certain
suits and
proceed-
ings.

¹608A. (1) A suit or legal proceeding instituted, or which might, but for the passing of this Act, have been instituted by or against the Corporation or the Chief Executive Officer under the Calcutta Municipal Act, 1923, may be continued or instituted by the Corporation as constituted under this Act.

Ben.
Act III of
1923.

(2) For the purposes of such suit or legal proceeding and of all matters incidental thereto, the powers and duties of the Corporation and of the Chief Executive Officer under the Calcutta Municipal Act, 1923, shall vest in the Corporation and the Commissioner constituted and appointed respectively under this Act and when any action has been taken under the Calcutta Municipal Act, 1923, such action shall be deemed to have been taken by the corresponding authority under this Act, and the corresponding provisions of this Act shall be deemed to have been complied with.

(3) Save as provided in sub-section (2), the procedure prescribed by this Act shall be followed in all proceedings relating to a contravention of the provisions of the Calcutta Municipal Act, 1923.

Vesting
of the
functions
of General
Com-
mittee in
the Cor-
poration.

609. Save as otherwise expressly provided in this Act, the powers and duties of the General Committee under the Calcutta Municipal Act, 1899, shall, from the commencement of this Act, be deemed to have vested in the Corporation in respect of all matters whatsoever which have arisen under the provisions of the Calcutta Municipal Act, 1899.

¹Section 608A was inserted with retrospective effect by sec. 101 of the Calcutta Municipal (Amendment) Act, 1953 (West Ben. Act XIX of 1953).

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(Part VIII.—Chapter XXXVII.—Supplemental Provisions.—
Section 610.—Chapter XXXVIII.—Transitory Provisions.
—Sections 611—615.)

610. Except as in this Act otherwise expressly provided, nothing in this Act shall be deemed to affect the provisions of any other enactment.

Savings of prior enactments.

CHAPTER XXXVIII.

Transitory Provisions.

Amended by West Ben. Act XVII of 1965

611. The provisions of this Chapter shall have effect notwithstanding anything to the contrary elsewhere in this Act.

Provisions of this Chapter to override other provisions.

612. [Councillor's and Aldermen elected under Bengal Act III of 1923, to be Councillors and Aldermen under this Act.]—Omitted by sec. 116 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964.)

613. [Transitory provisions as to electoral rolls.—Omitted by sec. 117 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964.)]

Ben. Act III of 1923.

614. The provisions of the Calcutta Municipal Act, 1923 as extended to the Municipality of Howrah under that Act and in force before the commencement of this Act shall have effect notwithstanding any modifications of this Act.

Transitory provisions as to Howrah Municipality.

Pages 537-538 and 540-541—

*Omit sections 598 to 601, 608, 608A, 609, 611, 614 and 615.

(Omitted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

provisions amendment may, done any-
lity.

Removal of difficulties.

[No. 2, dated the 1st May, 1970.]

¹These words were inserted by sec. 2 of the Calcutta Municipal (Amendment) Act, 1962 (West Ben. Act IV of 1962).

²The words "or in transition from the provisions of the Calcutta Municipal Act, 1923 [read with the Corporation of Calcutta (Temporary Supersession) Act, 1948], to the provisions of this Act," were omitted by sec. 118 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

³For order relating to—

(a) regulation of appointments to post referred to in sec. 81(2), and (b) of the Act, see notification No. M-2A 19/62, dated 30.10.52, published in the Calcutta Gazette of 1952, Part I, page 3445.

(b) sanction regarding projected streets notices of which were sent under the Calcutta Municipal Act, 1923 and not disposed of before the commencement of this Act, see notification No. 541M/1C-122/53, dated 18.1.54, published in the Calcutta Gazette of 1954, Part I, page 243.

[West Ben. Act

Pages 542-543—

*Omit Schedule I.

(Omitted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

[See section 5, clause (11) and sections 532 and 592 and 594.]

“Calcutta” is the area included within the following boundaries except that it does not include :—

(1) Fort William, or

(2) that part of Hastings north of the south edge of Clyde Row and Strand Road to the river bank.

Boundaries.

A line drawn along the outer edge of Paramanik Ghat Road, Cossipur Road, Kasi Nath Dutt Road, Kali Charan Ghose Road and Ramkrishna Ghose Lane ; thence southward along the western edge of the East Indian Railway to the point where the boundary line meets the New Canal ; thence eastward along the southern bank of the New Canal to the point where it meets the Beliaghatta Canal ; thence westward along the southern bank of the Beliaghatta Canal to the point where it meets Pagladanga Road ; thence along the northern and eastern edge of Pagladanga Road to the point where it meets Chingrighatta Road ; thence along the southern edge of Chingrighatta Road to the point where it meets Tangra Road, South ; thence along the eastern and southern edge of Tangra Road, South, to the point where it meets Topsia Road, North ; thence along the eastern and southern edge of Topsia Road, North, to the point where it meets Hughes Road ; thence along the eastern edge of Hughes Road to the point where the Town and Suburban High Level Sewers meet ; thence along the southern edge of the new road to the point where it meets Topsia Road, South ; thence along the southern edge of Topsia Road, South, to the point where it meets Tiljala Masjidbari Lane ; thence along the eastern and southern edge of Tiljala Masjidbari Lane to the Tiljala Road ; thence westward along a line drawn in continuation of the southern edge of Tiljala Masjidbari Lane to the East Indian Railway line ; thence southward along the western edge of the line of that Railway, and westward along the northern edge of the Budge-Budge Branch of that Railway, to Russa Road, thence southward along the eastern edge of Russa Road, to the point where it meets Tollygunge Circular Road ; thence along the southern boundary of Tollygunge Circular Road to the point where it meets the southern boundary of the Port Commissioners' land acquired for the purpose of constructing King George's Dock and its connected works, and thence along the southern boundary of the Port Commissioners' land above referred to, as it stands at the commencement of this Act up to the point where it meets Diamond Harbour Road ; thence along the eastern boundary of Diamond Harbour Road to the point where it meets the southern boundary of the Port Commissioners' land above referred to ; thence along the southern, western and northern

XXXIII of 1951.]

(Schedule II.—Corrupt Practices.—Part I.—Rules 1, 2.)

boundary of the said land up to the point where it meets the Circular Garden Reach Road at its junction with New Taratala Diversion Road ; thence eastward along the northern edge of Circular Garden Reach Road to the point where it meets the Port Commissioners' land above referred to ; thence northward along the western boundary of this land to the point where it meets Garden Reach Road ; thence westward along the northern edge of Garden Reach Road to the point where it meets Prince Delwarjah Lane, thence northward along the eastern edge of Prince Delwarjah Lane and the western boundary of the Port Commissioners' land above referred to to the point where it meets the river Hooghly ; thence along the river Hooghly to the western terminus of the outer edge of the Paramanik Ghat Road.

SCHEDULE II.

CORRUPT PRACTICES.

[See sections 5 (18), 55 (1) (i), 73 and 75.]

The following shall be deemed to be corrupt practices for the purposes of this Act :—

Part I.

1. A gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, of any gratification to any person whomsoever— Bribery.

(a) with the object, directly or indirectly, of inducing—

(i) a person to stand or not to stand as, or to withdraw from being, a candidate, or

(ii) an elector to vote or refrain from voting at an election,

(b) or as a reward to—

(i) a person for having stood or not stood as a candidate, or for having withdrawn his candidature, or

(ii) an elector for having voted or refrained from voting.

Explanation.—For the purpose of this clause the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money, and includes all forms of entertainment and all forms of employment for reward ; but it does not include the payment of any expenses *bona fide* incurred at or for the purposes of any election and duly entered in the return of election expenses prescribed by this Act.

2. (1) Any direct or indirect interference or attempt to interfere on the part of a candidate, or his agent or of any other person with the connivance of the candidate or his agent by any of the means hereafter specified with the right of any person to stand or not to stand or to withdraw from standing as a candidate, or with the free exercise of the franchise of an elector.

Undue influence.

[West Ben. Act**(Schedule II.—Corrupt practices.—Part I.—Rules 3, 4.—
Part II—Rules 1—3.)**

(2) The means above alluded to are—

- (a) any violence, injury, restraint, or fraud and any threat thereof ;
- (b) any threat to a person or inducement to a person to believe that he or any person in whom he is interested will become or be rendered an object of divine displeasure or spiritual censure ;

but do not include any declaration of public policy or promise of public action.

**Persona-
tion.**

3. The procuring or abetting or attempting to procure by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or by a person who has voted once at an election for a voting paper in his own name at the same election.

**Publication
of false
statements.**

4. The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal of candidature of any candidate, which statement is reasonably calculated to prejudice such candidate's election.

Part II.

**Acts under
Part I.**

1. Any act specified in Part I, when done by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent.

**Persona-
tion.**

2. The application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name after he has already voted at such election.

**Receipt of
gratifica-
tion.**

3. The receipt of, or agreement to receive by a person for himself or for any other person, any gratification, whether as a motive or a reward—

- (a) for standing or not standing as a candidate, or for withdrawing his candidature ; or
- (b) for voting or refraining from voting, or for inducing or attempting to induce any elector to vote or refrain from voting or any candidate to withdraw his candidature.

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*(Schedule II.—Corrupt practices.—Part II.—Rules 4—7.—
Schedule III.—Return of election expenses.—Rules 1, 2.)*

4. Any payment or promise of payment to any person on account of conveyance of any elector to or from any place for the purpose of recording his vote :

Payment
of convey-

Provided that nothing contained in these rules shall prevent a conveyance being hired by an elector, or by several electors at their joint cost, for the purpose of conveying him or them to or from the poll.

5. The incurring or authorization of expenses by any person other than a candidate or his election agent on account of holding any public meeting or upon any advertisement, circular or publication or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, unless he is authorised in writing so to do by the candidate.

Incurring
expenses
without
authority.

6. The hiring using, or letting, as a committee-room or for the purpose of any meeting to which electors are admitted, of any building, room or other place where intoxicating liquor is sold to the public.

Hiring of
liquor
shops.

7. The issuing of any circular, placard or poster having reference to the election which does not bear on its face the name and address of the printer and publisher thereof.

Issue of
circulars,
etc.,
without
printer's
and
publisher's
name
printed
thereon.

SCHEDULE III.

RETURN OF ELECTION EXPENSES.

(See section 63.)

1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security or equivalent of money was received in respect of expenses incurred on account of, or in connection with, or incidental to, the election, and the amount received from each person, club, society or association separately.

2. Under the head of expenditure, there shall be shown—

- (a) the personal expenditure of the candidate incurred or paid by him or his election agent, including travelling and all other personal expenses incurred in connection with his candidature;
- (b) the name and the rate and total amount of the pay, of each person employed as an agent (including the election agent), clerk or messenger;
- (c) the travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers;

[West Ben. Act

(Schedule III.—Return of election expenses.—Rule 3.)

- (d) the travelling expenses of persons, acting on behalf of the candidate, whether in receipt of salary or not, incurred in connection with the candidature, and whether paid or incurred by the candidate, his election agent or the person so travelling;
- (e) the cost whether paid or incurred of—
- (i) printing,
 - (ii) advertising,
 - (iii) stationery,
 - (iv) postage,
 - (v) telegrams, and
 - (vi) rooms hired either for public meetings or as committee-rooms ;
- (f) any other miscellaneous expenses whether paid or incurred.

Note.—(1) All expenses incurred in connection with the candidature, whether paid by the candidate, his election agent, or any other person, or remaining unpaid on the date of the return are to be set out.

(2) For all items of Rs. 5 and over, unless from the nature of the case (e.g., travel by the rail or postage) a receipt is not obtainable, vouchers are to be attached.

(3) All sums paid but for which no receipt is attached are to be set out in detail with dates of payment.

(4) All sums unpaid are to be set out in a separate list.

3. The form of affidavit referred to in section 63 shall be as follows :—

Affidavit.

I, being the appointed
 election agent for a
 candidate for election in the
 constituency (or I being a candidate
 for election in the constituency), do hereby
 solemnly affirm that the above return of election expenses is
 true to the best of my knowledge and belief, and that, except
 the expenses herein set forth, no expenses of any nature what-
 soever have to my knowledge and belief been incurred in, and
 for the purposes of, 's candidature/
 my candidature.

(Sd.)

Election agent or candidate.

Solemnly affirmed before me,

(Magistrate.)

XXXIII of 1951.]

(Schedule IV.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

SCHEDULE IV.

RULES AS TO LICENSES FOR THE EXERCISE OR CARRYING ON OF PROFESSIONS, TRADES AND CALLINGS.

(See sections 218, 219, 220 and 259.)

1. Every license shall be granted under one or other of the classes mentioned in the second column of the following table, and there shall be paid annually for the same the fee mentioned in that behalf in the third column of that table :—

Classes of licenses and tax on each.

Serial No.	Classes.	Fees.
1	2	

Class I.

Company or association or body of individuals, the paid up capital of which is equivalent to twenty lakhs of rupees	which exercises or carries on any profession, trade or calling whatsoever.	Five hundred rupees.
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Pages 547, 555 and 563—

*In the table in Schedule IV,—

- (a) omit entries in columns 2 and 3 against serial No. 1 in column 1, 1, hundred and fifty rupees.
- (b) in the entry in column 2 against serial No. 2 in column 1, omit the words "but is not included in Class I", in Class I.

Consulting or practising physician, practising surgeon, licentiate of medicine, or surgery, medical practitioner, kabiraj, hakim, homoeopath, graduate of the Bengal Veterinary College, dentist, barrister, attorney, vakil or advocate of the High Court, pleader, proctor, notary public, public accountant, average adjuster, statistical reporter, analyst, shroff or banian,	in respect of whose income out of the profession mentioned under column 1, income-tax is payable on an income of not less than Rs. 10,000.	Ditto.
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Freight-broker,

Ditto

Ditto.

[West Ben. Act

(Schedule IV.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

Serial No.	Classes.		Fees
1	2		3
5	Proprietor of a newspaper, periodical or journal,	in respect of whose income out of the profession mentioned under column 1, income-tax is payable on an income of not less than Rs. 10,000.	Two hundred and fifty rupees.
6	Broker or <i>dalal</i> employed in the wholesale transfer or purchase of imports or exports, country-produced silk, or other merchandise,	Ditto ...	Ditto.
7	Dealer in precious stones or precious metals and articles of precious stones and metals,	Ditto ...	Ditto.
8	Merchant, businessman, banker, wholesale trader, commission agent, engineer, architect, builder, contractor, auctioneer or carrier,	the rent as valued under Chapter XI or the fair letting value of whose place of business is Rs. [400] ¹ per mensam or upwards.	Ditto.
9	Owner or occupier of a cotton, jute, hide or other screw-house or press-house,	Ditto ...	Ditto.
10	Owner or occupier of a market, theatre, cinema house or a place of public entertainment kept up for the purpose of profit,	Ditto ...	Ditto.
11	Printer, publisher, lithographer, engraver, die-sinker, photographer or photo-typer,	Ditto ...	Ditto.

¹Substituted for the figures "500" by sec. 119(1) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

(Schedule IV.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

Serial No.	Classes.		Fees.
1	2		3
12	Hotel-keeper, boarding-house-keeper, lodging-house-keeper, manufacturer, retail trader or shop-keeper,	the rent as valued under Chapter XI or the fair letting value of whose place of business is Rs. [400] ¹ per mensem or upwards.	Two hundred and fifty rupees.
13	Owner or occupier of any depot or godown for storage of goods for wholesale business,	Ditto ...	Ditto.
14	Proprietor of a nursing home or sanatorium,	Ditto ...	Ditto.
15	Radiologist,	Ditto ...	Ditto.
16	Keeper of a hydro-therapy, bath or other clinic or health resort,	Ditto ...	Ditto.
17	Keeper of a laundry,	Ditto ...	Ditto.
18	Cinema film producer or keeper of a film studio,	Ditto ...	Ditto.
19	Cinema film distributor.	.....	Ditto.
20	Owner of twenty or more taxi-cabs, buses, lorries or contract cars which are used for carrying passengers or goods on payment of hire.	.....	Ditto.
21	Book-maker or turf accountant.	.....	Ditto.
22	Stevedores.	.....	Ditto.
CLASS III.			
23	Company or association or body of individuals the paid up capital of which is equivalent to five lakhs of rupees or upwards,	which exercises or carries on any profession, trade or calling whatsoever, but is not included in Class I or Class II.	Two hundred rupees.

¹Substituted for the figures "400" by sec. 119(2) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVII of 1964).

[West Ben. Act

(Schedule IV.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

Serial No.	Classes.	Fees.
1		
24	Merchant, businessman, banker, wholesale trader, commission agent, engineer, architect, builder, contractor, auctioneer or carrier, who is not included in Class II and the rent as valued under Chapter XI or the fair letting value of whose place of business is Rs. [300] ¹ per month or upwards.	Two hundred rupees.
25	Owner or occupier of a cotton, jute, hide or other screw-house or press-house,	Ditto.
26	Owner or occupier of a market, theatre, cinema house or a place of public entertainment kept up for the purpose of profit,	Ditto.
27	Printer, publisher, lithographer, engraver, die-sinker, photographer or photo-typer,	Ditto.
28	Hotel-keeper, boarding-house-keeper, lodging-house-keeper, manufacturer, retail trader or shop-keeper,	Ditto.
29	Owner or occupier of any depot or godown for storage of goods for wholesale business,	Ditto.
30	Proprietor of a nursing home or sanatorium,	Ditto.
31	Radiologist,	Ditto.
32	Keeper of a hydro-therapy or bath or other clinic, or health resort,	Ditto.
33	Keeper of a laundry,	Ditto.

¹Substituted for the figures "350" by sec. 119(3) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

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(Schedule IV.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

Serial No.	Classes.	Fees.
1	2	3
34	Cinema film producer or keeper of a film studio, who is not included in Class II and the rent as valued under Chapter XI or the fair letting value of whose place of business is Rs. [300] ¹ per mensem or upwards.	Two hundred rupees.
35	Keeper of a shop for the sale of any liquor or intoxicating drug, Ditto ...	Ditto.
36	Owner of ten or more, but less than twenty, taxicabs, buses, lorries or contract cars which are used for carrying passengers or goods on payment of hire,	Ditto.
CLASS IV.		
37	Merchant, businessman, banker, wholesale trader, commission agent, engineer, architect, builder, contractor, auctioneer or carrier, who is not included in Class II or Class III and the rent as valued under Chapter XI or the fair letting value of whose place of business is Rs. [200] ² per mensem or upwards.	One hundred and [fifty] rupees.
38	Owner or occupier of a cotton, jute, hide or other screw-house or press-house, Ditto ...	Ditto.
39	Owner or occupier of a market, theatre, cinema house or a place of public entertainment kept up for the purpose of profit, Ditto ...	Ditto.
40	Printer, publisher, lithographer, engraver, die-sinker, photographer or photo-typer, Ditto ...	Ditto.

¹Substituted for the figures "350" by sec. 119(4) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVII of 1964).

²The figures "200" were substituted for the figures "250", in column 2, and the word "fifty" was substituted for the word "twenty-five", in column 3, by sec. 119(5), *ibid.*

{West Ben. Act

(Schedule IV.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

Serial No.	Classes.		Fees.
1	2		3
41	Hotel-keeper, boarding-house-keeper, lodging-house-keeper, manufacturer, retail trader or shop-keeper,	who is not included in Class II or Class III and the rent as valued under Chapter XI or the fair letting value of whose place of business is Rs. [200] ¹ per mensem or upwards.	One hundred and ¹ [fifty] rupees.
42	Owner or occupier of any depot or godown for storage of goods for wholesale business,	Ditto ...	Ditto.
43	Proprietor of a nursing home or sanatorium,	Ditto ...	Ditto.
44	Radiologist,	Ditto ...	Ditto.
45	Keeper of a hydro-therapy, bath or other clinic or health resort,	Ditto ...	Ditto.
46	Keeper of a laundry,	Ditto ...	Ditto.
47	Cinema film producer or keeper of a film studio,	Ditto ...	Ditto.
48	Keeper of a shop for the sale of any liquor or intoxicating drug,	who is not included in Class III and the rent as valued under Chapter XI or the fair letting value of whose place of business is Rs. [200] ² per mensem or upwards.	Ditto.

¹The figures "200" were substituted for the figures "250", in column 2, and the word "fifty" was substituted for the word "twenty-five", in column 3, by sec. 119(6) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Substituted for the figures "250" by sec. 119(7), *ibid.*

XXXIII of 1951.]

(Schedule IV.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

Serial No.	Classes.		Fees.	
1	2		3	
49	Consulting or practising physician, practising surgeon, licentiate of medicine or surgery, medical practitioner, kabiraj, hakim, homoeopath, graduate of the Bengal Veterinary College, dentist, barrister, attorney, vakil or advocate of the High Court, pleader, proctor, notary public, public accountant, average adjuster, statistical reporter, analyst, shroff or banian,	who is not included in Class II and in respect of whose income out of the profession income-tax is payable on an income of not less than Rs. 6,000.	One hundred and [fifty] rupees.	
50	Freight broker,	Ditto	...	Ditto.
51	Broker or dalal employed in the wholesale transfer or purchase ¹ [of imports or exports] country-produced silk or other merchandise,	Ditto	...	Ditto.
52	Dealer in precious stones or precious metals and articles of precious stones and metals.	Ditto	...	Ditto.

¹Substituted for the word "twenty-five", in column 3, by sec. 119(8) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "or imports or exports" by sec. 12(a) of the Calcutta Municipal (Amendment) Act, 1952 (West Ben. Act VIII of 1952).

[West Ben. Act

(Schedule IV.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

Serial No.	Classes.	Fees.
1	2	3
	1.	
53	Company or association which exercises or carries on any profession, trade or calling whatsoever but is not included in Class I or Class II or Class III ² *.	*One hundred and fifty rupees.
	‘CLASS V.	
54	Merchant, businessman, banker, wholesale trader, commission agent, engineer, architect, builder, contractor, auctioneer or carrier, who is not included in Class II or Class III or Class IV and the rent as valued under Chapter XI or the fair letting value of whose place of business is Rs. [100] ⁴ per mensm or upwards.	*[One hundred] rupees.
55	Owner or occupier of a cotton, jute, hide or other screw-house or press house, Ditto ...	Ditto.
56	Owner or occupier of a market, theatre, cinema house or a place of public entertainment kept up for the purpose of profit, Ditto ...	Ditto.
57	Printer, publisher, lithographer, engraver, die-sinker, photographer or photo-typer, Ditto ...	Ditto.
58	Hotel-keeper, boarding-house-keeper, lodging-house-keeper, manufacturer, retail trader or shop-keeper, Ditto ...	Ditto.

¹The heading “Class V” was omitted by sec. 119(9) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²The words and figures “or Class IV” were omitted by sec. 12(b) of the Calcutta Municipal (Amendment) Act, 1952 (West Ben. Act VIII of 1952).

³The word “Ditto” was actually substituted for the words “Seventy-two rupees”, in column 3, by sec. 119(10) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964). But as item 53 is the first item in a new page in the present printing arrangement, these words are used instead of the word “Ditto”.

⁴This heading was inserted by sec. 119(11), *ibid*.

⁵The figures “100” were substituted for the figures “150”, in column 2, and the words “One hundred” were substituted for the word “seventy-two”, in column 3, by sec. 119(12), *ibid*.

XXXIII of 1951.]

(Schedule IV.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

Serial No.	Classes.		Fees.
1	2		3
59	Owner or occupier of any depot or godown for storage of goods for wholesale business,	'who is not included in Class II or Class III or Class IV and the rent as valued under Chapter XI or the fair letting value of whose place of business is Rs. [100] ¹ per mensem or upwards.	'One hundred rupees.
60	Proprietor of a nursing home or sanatorium,	Ditto ...	Ditto.
61	Radiologist,	Ditto ...	Ditto.
62	Keeper of a hydro-therapy, bath or other clinic or health resort,	Ditto ...	Ditto.
63	Cinema film producer or keeper of a film studio,	Ditto ...	Ditto.
64	Keeper of a laundry,	Ditto ...	Ditto.
65	Hairdressing saloon-keeper,	the rent as valued under Chapter XI or the fair letting value of whose place of business is Rs. [100] ¹ per mensem or upwards.	'[One hundred] rupees.
66	Dyer or cleaner,	Ditto ...	Ditto.

¹Owing to item 59 falling as the first item in a new page in the present printing arrangement, these words in column 2 are used instead of the word "Ditto", and, in column 3, these words are used instead of the word "Ditto".

²See foot-note 5 on page 554, *ante*.

³The figures "100" were substituted for the figures "150", in column 2, and the words "One hundred" were substituted for the word "Seventy-two", in column 3, by sec. 119 (13) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

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(Schedule IV.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

Serial No.	Classes.	Fees.
1	2	3
67	Owner of 5 or more but less than 10 taxicabs, buses, lorries or contract cars which are used for carrying passengers or goods on payment of hire. ...	¹ One hundred rupees.
68	Advertising agent. ... * * *	Ditto.
69	Company, association or body of individuals the paid up capital of which is ² [equivalent to fifty thousand rupees or upwards], which exercises or carries on any profession, trade or calling whatsoever ³ [but is not included in class I or class II or class III or class IV].	⁴ [Ditto].
"CLASS VI		
*69A	Company, association or body of individuals the paid up capital of which is less than fifty thousand rupees, which exercises or carries on any profession, trade or calling whatsoever.	Fifty rupees.
70	Consulting or practising physician, practising surgeon, licentiate of medicine or surgery, medical practitioner, kabiraj, hakim, homeopath, graduate of the Bengal Veterinary College, midwife, dentist, barrister, attorney, vakil or advocate of the High Court, pleader, proctor, notary public, public accountant, average adjuster, statistical reporter, analyst, shroff or banian, in respect of whose income out of the profession income-tax is payable on an income of less than Rs. 6,000.	Ditto.
71	Freight Broker, Ditto	Ditto.

¹Owing to items 67 falling as the first item in a new page in the present printing arrangement, these words are used instead of the word "Ditto".

²The heading "Class VI" was omitted by sec. 119 (14) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

³Substituted for the words "less than one lakh of rupees" in column 1, by sec. 119 (15) (a) (i), *ibid.*

⁴Inserted after the words "trade or calling whatsoever", in column 2, by sec. 119 (15) (a) (ii), *ibid.*

⁵The word "Ditto" was substituted for the words "Thirty-six rupees", in column 3, by sec. 119 (15) (b), *ibid.*

⁶The heading "Class VI" and item 69A were inserted by sec. 119 (16), *ibid.*

XXXIII of 1951.]

(Schedule IV.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

Serial No.	Classes.	Fees.
		8
72	Broker or <i>dalal</i> employed in the wholesale transfer or purchase ¹ [of imports or exports, country-produced silk] or other merchandise,	in respect of whose income out of the profession income-tax is payable on an income of less than Rs. 6,000. ² [Fifty] rupees.
73	Dealer in precious stones or precious metals and articles of precious stones and metals,	Ditto ... Ditto.
74	Proprietor of a newspaper, periodical or journal,	who is not included in Class II. Ditto.
75	Merchant, businessman, banker, wholesale trader, commission agent, engineer, architect, builder, contractor, auctioneer or carrier,	who is not included in Class II or Class III or Class IV or Class V. Ditto.
76	Owner or occupier of a market, theatre, cinema house or a place of public entertainment kept up for the purpose of profit,	Ditto Ditto.
77	Owner or occupier of any depot or godown for storage of goods for wholesale business,	Ditto ... Ditto.
78	Proprietor of a nursing home or sanatorium,	Ditto ... Ditto.
79	Radiologist,	Ditto ... Ditto.
80	Keeper of a hydrotherapy, bath or other clinic or health resort,	Ditto ... Ditto.
81	Cinema film producer or keeper of a film studio,	Ditto ... Ditto.
82	Keeper of a laundry,	Ditto ... Ditto.

¹These words were substituted for the words "of imports, country produced silk" by sec. 12 (c) of the Calcutta Municipal (Amendment) Act, 1952 (West Ben. Act VIII of 1952).

²Substituted for the word "Thirty-six" by sec. 119(7) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

[West Ben. Act

(Schedule IV.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

Serial No.	Classes.		Fees.
1	2		3
83	Keeper of a shop for the sale of any liquor or intoxicating drug,	who is not included in Class III or Class IV.	¹ [Fifty] rupees.
84	Owner or occupier of a cotton, jute, hide or other screw-house or press-house,	who is not included in Class II or Class III or Class IV or Class V and the rent as valued under Chapter XI or the fair letting value of whose place of business is Rs. [50] ² per mensem or upwards.	Ditto.
85	Printer, publisher, lithographer, engraver, die-sinker, photographer or photo-typer,	Ditto ...	Ditto.
86	Hotel-keeper, boarding-house-keeper, lodging-house-keeper, manufacturer, retail trader or shop-keeper,	Ditto ...	Ditto.
87	Dyer or cleaner,	who is not included in Class V and the rent as valued under Chapter XI or the fair letting value of whose place of business is Rs. [50] ³ per mensem or upwards.	Ditto.
88	Hairdressing saloon-keeper,	Ditto ...	Ditto.
89	Order-supplier or house decorator,	the rent as valued under Chapter XI or the fair letting value of whose place of business is Rs. [50] ⁴ per mensem or upwards.	Ditto.
90	Carriage-dealer or horse-dealer,	Ditto ...	Ditto.
91	Plumber, electric fitter or gas fitter,	Ditto ...	Ditto.

¹Substituted for the word "Thirty-six" by sec. 119(18) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).²Substituted for the figures "75", in column 2, by sec. 119(19), *ibid.*³Substituted for the figures "75", in column 2, by sec. 119(20), *ibid.*⁴Substituted for the figures "75" in column 2, by sec. 119(21), *ibid.*

XXXIII of 1951.]

(Schedule IV.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

Serial No.	Classes.	Fees.
1	2	3
92	Keeper of a billiard room.	¹ [Fifty] rupees.
93	Pawnbroker or money-lender.	Ditto.
94	Owner of a steam ferry-boat or steam cargo-boat.	Ditto.
95	Commercial traveller or manufacturer's representative.	Ditto.
96	Broker or dealer in houses, landed property, Government securities, shares or bills of exchange.	Ditto.
97	Advertisement broker.	Ditto.
98	Owner of less than five taxi-cabs, buses, lorries or contract cars which are used for carrying passengers or goods on payment of hire.	Ditto.
99	Railway freight negotiator.	Ditto.
100	Broker in precious stones.	Ditto.
CLASS VII.		
101	Consulting or practising physician, practising surgeon, licentiate of medicine or surgery, medical practitioner, kabiraj, hakim, homœopath, graduate of the Bengal Veterinary College, midwife, dentist, barrister, attorney, vakil or advocate of the High Court, pleader, proctor, notary public, public accountant, average adjuster, statistical reporter, analyst, shroff or banian, in respect of whose income out of the profession no income-tax is payable.	² [Twenty-five] rupees.
102	Freight Broker ... Ditto ...	Ditto.

¹Substituted for the word 'Thirty-six', in column 3, by sec. 119(22) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Substituted for the word "Twenty-four", in column 3, by sec. 119(22), *ibid.*

(Schedule IV.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

Serial No.	Classes.	Fees.
1	2	3
104	Dealer in precious stones or precious metals and articles of precious stones or metals, in respect of whose income out of the profession no income-tax is payable.	¹ [Twenty-five] rupees.
105	Mukhtear, ² [in respect of whose income out of the profession income-tax is payable].	Ditto.
106	Owner or occupier of a cotton, jute, hide or other screw-house or press-house, who is not included in Class II or Class III or Class IV or Class V or Class VI and the rent as valued under Chapter XI or the fair letting value of whose place of business is Rs. [25] ⁴ per mensem or upwards.	Ditto.
107	Printer, publisher, lithographer, engraver, die-sinker, photographer or photo-typer, Ditto.	Ditto.
108	Hotel-keeper, boarding-house-keeper, lodging-house-keeper, manufacturer, retail trader or shop-keeper, who is not included in Class II or Class III or Class IV or Class V or Class VI and the rent as valued under Chapter XI or the fair letting value of whose place of business is Rs [25] ⁵ per mensem or upwards.	Ditto.

¹Item 108 and the entries thereunder were omitted by sec. 12(d) of the Calcutta Municipal (Amendment) Act, 1952 (West Ben. Act VIII of 1952).

²Substituted for the word "Twenty-four", in column 3, by sec. 119(24) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

³Substituted for the words "in respect of whose income income-tax is payable", in column 2, by sec. 119(25), *ibid.*

⁴Substituted for the figures "30", in column 2, by sec. 119(26), *ibid.*

⁵Substituted for the figures "30", in column 2, by sec. 119(27), *ibid.*

XXXIII of 1951.]

(Schedule IV.—Rules as to licenses for the exercise or carrying on of professions, trades and callings—Rule 1.)

Serial No.	Classes.		Fees.
1	2		3
109	Dyer or cleaner,	who is not included in Class V or Class VI and the rent as valued under Chapter XI or the fair letting value of whose place of business is Rs. [25] ¹ per mensem or upwards.	² Twenty-five rupees.
110	Hairdressing saloon-keeper,	who is not included in Class V or Class VI and the rent as valued under Chapter XI or the fair letting value of whose place of business is Rs. [25] ³ per mensem or upwards.	³ Ditto.
111	Order-supplier or house decorator,	who is not included in Class VI and the rent as valued under Chapter XI or the fair letting value of whose place of business is Rs. [25] ¹ per mensem or upwards.	Ditto.
112	Plumber, electric fitter or gas-fitter,	Ditto	Ditto.
113	Carriage-dealer or horse-dealer,	Ditto	Ditto.

¹Substituted for the figures "30", in column 2, by sec. 119(28) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Owing to change of position in the present printing arrangement, these words, in column 3, are shown instead of the word "Ditto", as originally printed.

³The figures "25" were substituted for the figures "30", in column 2, and the word "Twenty-five" ("Ditto", shawn instead owing to change of position in the present printing arrangement) was substituted for the word "Twenty-four", in column 3, by sec. 119(29) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

⁴Substituted for the figures "30" by sec. 119 (30) *ibid*.

(Schedule IV.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

Serial No.	Classes.	Fees.
1	2	3
114	Poddar or money-changer, the rent as valued under Chapter XI or the fair letting value of whose place of business is Rs. 15 per month or upwards.	¹ Twenty-five rupees.
115	Private detective. ...	Ditto.
116	Professional astrologer. ...	Ditto.
117	Insurance agent, broker or canvasser, ² [in respect of whose income out of the profession income-tax is payable]. ...	Ditto.
118	Purchaser of goods in Calcutta for transport and sale beyond the limits of Calcutta. ...	Ditto.
119	Broker or daltal, who is not included in Class II ³ [or Class IV] or Class VI.	Ditto.
120	Professional artist, sculptor, actor, singer or musician, ⁴ [in respect of whose income out of the profession income-tax is payable]. ...	Ditto.
121	Labour-supplier, licensed shipping broker, boat-supplier or Custom-house agent. ...	⁵ Ditto.
122	Surveyor (including a licensed building surveyor) or professional measurer. ...	Ditto.
123	Practising apothecary or practising veterinary surgeon. ...	Ditto.
124	Owner of ten or more jinrickshaws, carriages, passenger-boats, handcarts, bullock or buffalo carts or palanquins which are let out for hire. ...	Ditto.

¹ See foot-note 2 on page 561, *ante*.² These words were inserted, in column 2, by sec. 119(31) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).³ The words and figures "or Class IV" were inserted by sec. 12(c) of the Calcutta Municipal (Amendment) Act, 1952 (West Ben. Act VIII of 1952).⁴ These words were inserted, in column 2, by sec. 119(32) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).⁵ Substituted for the word "Twenty-four", in column 3, ("Ditto" shown instead owing to change of position in the present printing arrangement) by sec. 119(33) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

(Schedule IV.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

Serial No.	Classes.	Fees.
1	2	3

Class VIII.

125	Printer, publisher, lithographer, engraver, die-sinker, photographer or phototyper,	who is not included in Class II or Class III or Class IV or Class V or Class VI or Class VII and the rent as valued under Chapter XI or the fair letting value of whose place of business is Rs. 15 per mensem or upwards.	¹ [Fifteen] rupees.
126	Hotel-keeper, boarding-house-keeper, lodging-house-keeper, manufacturer, retail trader	Ditto	... Ditto.

(c) omit serial Nos. 66, 87, 109 and 127 in column 1 and the corresponding entries relating thereto in columns 2 and 3. Ditto.

(Omitted by West Ben. Act XVII of 1965 section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

		per mensem or upwards.	
128	Hairdressing saloon-keeper,	Ditto	... Ditto.
129	Order-supplier or house decorator,	who is not included in Class VI or Class VII and the rent as valued under Chapter XI or the fair letting value of whose place of business is Rs. 15 per mensem or upwards.	² Ditto.
130	Plumber or electric fitter or gas-fitter,	Ditto	... Ditto.
131	Carriage-dealer or horse-dealer,	Ditto	... Ditto.

¹Substituted for the word "Twelve", in column 3, by sec. 119(34) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Substituted for the word "Twelve", in column 3, ("Ditto" shown instead owing to change of position in the present printing arrangement) by sec. 119 (35), *ibid.*

[West Ben. Act

(Schedule IV.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

Serial No.	Classes.		Fees.
1	2		3
182	Poddar or money-changer,	who is not included in Class VII.	¹ Fifteen rupees.
183	Mukhtear, ...	... ² [in respect of whose income out of the profession no income-tax is payable].	Ditto.
^a 183A	Insurance agent, broker or canvasser,	in respect of whose income out of the profession no income-tax is payable.	Ditto.
^a 183B	Professional artist, sculptor, actor, singer or musician,	in respect of whose income out of the profession no income-tax is payable.	Ditto.
134	Professional draftman.	...	Ditto.
135	Fortune-teller.	...	Ditto.
136	Owner of a cargo-boat.	...	Ditto.
137	Professional horse-breaker.	...	Ditto.
138	Band-supplier or stamp-vendor.	...	Ditto.
139	Owner of three or more but less than ten jinrickshaws, carriages, passenger-boats, handcarts, bullock or buffalo carts or palanquins which are let out for hire.	...	Ditto.
CLASS IX.			
140	Keeper of a shop or other place of business,	who is not included in any other class.	Six rupees.
141	Owner of less than three jinrickshaws, carriages, passenger-boats, handcarts, bullock or buffalo carts or palanquins which are let out for hire.	...	Ditto.

¹Owing to change of position in the present printing arrangement, these words, in column 3, are shown instead of the word "Ditto", as originally printed.

^aThese words were inserted, in column 2, by sec. 119 (36) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

^aThese items 183A and 183B were inserted by sec. 119 (37), *ibid.*

XXXIII of 1951.]

(Schedule IV.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rules 2, 3.)

Serial No.	Classes.	Fees.
142	Pedlar, vendor of goods who is not included in carts, hawker or in Class X. box-wallah,	¹Six rupees.
143	Professional petition, letter or bill-writer. ...	Ditto.
	CLASS X.	
144	Itinerant dealer hawking goods for sale in a basket or tray. ...	Three rupees.

2. (1) Licenses shall be either personal or local.

(2) "Personal license" means a license which is not a local license, and includes a license granted to a company or association or body of individuals.

Licenses to be either personal or local.

(3) "Local license" means—

(a) a license the classification of which depends on the valuation of the place of business, and

(b) a license granted under Class III, No. 35 or Class IV, No. 48 or Class VI, No. 92 or No. 93 or No. 94 or Class VIII, No. 136 or Class IX, No. 140, in the table in rule 1.

3. When any person carries on two or more professions, trades or callings which are separate or independent of one another and for each of which a personal license is required, he shall be liable to take out a personal license for each such profession, trade or calling :

Personal license required for each separate profession, trade or calling.

¹Owing to change of position in the present printing arrangement, these words, in column 3, are shown instead of the word "Ditto", as originally printed.

[West Ben. Act

(Schedule IV.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rules 4—7.)

Provided that, if, in the opinion of the Commissioner, any such profession, trade or calling is auxiliary to the carrying on of one or more of such other professions, trades or callings, such person shall only be required to take out a license under the highest of the two or more classes in the table in rule 1 under which his liability accrues.

Personal
license of
members
of firms.

4. When two or more persons carry on business jointly, they may take out a single license as a firm :

Provided that, if any of the partners of such firm exercises or carries on any separate profession, trade or calling on his own account or jointly with other partners, a separate license shall be taken out in respect of every such profession, trade or calling.

Local
license
required
for each
business.

5. A separate local license shall be taken out in respect of the business carried on in each separate place of business :

Provided that only one license shall be required in respect of any business carried on in adjacent premises which form one place of business or in any yards, godowns or factories which are auxiliary to any place of business ; and the amount of valuation of such premises, yards, godowns or factories shall be included in the computation for determining the class under which the license shall be taken out.

Valuation
of places
of business
not
separately
valued
under
Chapter XI.

6. When a place of business occupies only a portion of one set of premises and has not been separately valued under Chapter XI, the valuation thereof for the purposes of these rules shall be the rate *per mensem* at which such place of business might, in the opinion of the Commissioner, reasonably be expected to let.

When both
personal
and local
license
required.

7. When any person exercises or carries on a profession, trade or calling for which a personal license should under these rules be taken out, and is also the owner or occupier of a place of business for which a local license should be taken out, he shall, if the Commissioner so directs, take out both a personal license and a local license :

Provided that, where the place of business is auxiliary to the exercise or carrying on of the profession, trade or calling, only one license shall be required, and such license shall be either personal or local as the Commissioner may direct.

XXXIII of 1951.]

(Schedule IV.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rules 8—12.)

8. Where the owner or occupier of any place of business is required to take out a license, the license shall be taken out by the occupier if the business is carried on by the occupier, but otherwise by the owner.

Occupier
ordinarily
to be
licensee.

9. (1) As soon as may be after the first day of April in every year, the Commissioner shall prepare a list of the companies, associations, bodies and persons licensed for the next preceding year.

Annual
list of
licensees.

(2) Such list shall contain the particulars specified in section 548, sub-section (1), and shall be kept at the municipal office and be open to public inspection at all reasonable times.

10. Any person who has taken out a license for the next preceding year, or has been fined under section 541 for not taking out a license during that year, shall, subject to the other provisions of these rules, be presumed, unless he proves to the contrary, to be liable and entitled to take out a license for the current year under the class in which he was included for such preceding year.

Continu-
ance of
liability
in same
class.

11. Any person who claims a remission or refund of a license fee under clause (a) of the second proviso to sub-section (1) of section 218, in respect of any year, shall present an application to the Commissioner before the first day of September in the next following year.

Time for
presenta-
tion of
applica-
tion for
remission,
etc.

12. (1) If any person liable to take out a license has failed to take out a license either for the next preceding year or for the current year, the Commissioner may serve such person with a notice directing him to take out a license for the next preceding year or for the current year, as the case may be, under such class as may to the Commissioner seem proper.

Power to
Commis-
sioner to
issue
notices to
take out
licenses,
etc.

(2) If the Commissioner considers that any person who has taken out a license for the current year ought to have taken out a license under a higher class, he may serve such person with a notice directing him forthwith to take out a license under such higher class for the year :

Provided that when such license under a higher class is issued, the amount paid in respect of the license under the lower class shall, unless such person is liable to take out both licenses, be refunded to him or set off against the license fee payable for the license under the higher class.

[West Ben. Act

(Schedule IV.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rules 13—15.—Schedule V.—Wards.)

Appeal
to the
Standing
Committee.

13. Any person dissatisfied with an order of the Commissioner made under this Schedule may appeal to the Standing Committee and the decision of the Standing Committee shall be final :

Provided that no appeal shall lie under this rule unless the amount payable for the license, as assessed in the said order, has been deposited with the Corporation :

Provided also that where an assessee has taken out a license for the next preceding year, the sum to be deposited under the proviso to this rule shall not exceed the amount which he paid in such year.

Procedure
of appeal
to the
Standing
Committee,

14. Any person who is desirous of appealing under rule 13 shall, within thirty days of the passing of the order, referred to in that rule, or of the service of the notice of the said order, submit to the Secretary to the Corporation a petition setting forth the grounds of appeal.

Order of
Commissioner
to be final
when no
appeal
preferred.

15. When no appeal is preferred under these rules, the order of the Commissioner shall be final.

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*Omit Schedule V.

(Omitted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

No. of the ward.	Boundaries of ward.			
	On the North.	On the South.	On the East.	On the West.
	Pramanick Ghat Road and Kasinath Dutta Road.	Khagendra Chatterjee Road and Rustomjee Parssee Road.	Barrackpore Road.	Trunk Cossipur Road, Rustomjee Parssee Road and the River Hooghly.
	Kali Charan Ghosh Road and Ramkrishna Ghose Road.	Dum Dum Road ...	The Eastern Railway	Barrackpore Trunk Road.
	Belgachia Road, Umakanta Sen Lane and Dum Dum Road.	Jiban Krishna Ghose Road.	The Eastern Railway	Indra Biswas Road Anath Nath Del Lane, Northern Avenue and Beerpara Lane.
4	Dum Dum Road ...	Palkpara Raja Manindra Road and Umakanta Sen Lane.	Northern Avenue and Beerpara Lane.	Barrackpore Trunk Road.

¹Substituted for the existing Schedule V by the Calcutta Municipal (Amendment) Act, 1964 (West Ben. Act XVI of 1964).

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(Schedule V.—Wards.)

No. of the ward.	Boundaries of ward.			
	On the North.	On the South.	On the East.	On the West.
	Paikpara Raja Manindra Road and Jiban Krishna Ghose Road.	Belgachia Road, the New Canal and the Circular Canal.	Anath Nath Deb Lane, Indra Biswas Road and the Eastern Railway.	Jiban Krishna Ghose Road and Barrack-pore Trunk Road.
	Rustomjee Parsee Road and Khagendra Chatterjee Road.	The Circular Canal	Rustomjee Parsee Road, Cossipur Road and Barrackpore Trunk Road.	The River Hooghly.
	The Circular Canal ..	Baghbazar Street, Bosepara Lane, Nivedita Lane, Ramkanta Bose Street and Sarkarbari Lane.	Bidhan Sarani, Sachin Mitra Lane and Girish Avenue.	The River Hooghly.
	Sarkarbari Lane, Ramkanta Bose Street, Nivedita Lane and Bosepara Lane.	Bhupendra Bose Avenue, Shambazar Street, Raja Naba Kissen Street *[Kumartuli Street, Durga Charan Banerjee Street and G. Paul Street].	Sachin Mitra Lane	Girish Avenue, the River Hooghly and Rabindra Sarani.
	Kumartuli Street, *[Durga Charan Banerjee Street and G. Paul Street,] Raja Naba Kissen Street and Shambazar Street.	*[Shri Aurobindo Sarani] and Sovabazar Street.	Jatindra Mohan Avenue and Rabindra Sarani.	The River Hooghly.
10	Shambazar Street, Bhupendra Bose Avenue and Baghbazar Street.	*[Shri Aurobindo Sarani] and Ramkanta Bose Street.	Bidhan Sarani	Jatindra Mohan Avenue and Sachin Mitra Lane.
11	Junction of Bidhan Sarani and Acharyya Prafulla Chandra Road and *[Shri Aurobindo Sarani].	Kali Palit Lane and Raja Rajkrishna Street.	Acharyya Prafulla Chandra Road and Raja Dinendra Street.	Acharyya Prafulla Chandra Road and Bidhan Sarani.
12	The Circular Canal ...	*[Shri Aurobindo Sarani].	The Circular Canal ..	Acharyya Prafulla Chandra Road and Bidhan Sarani.

*Substituted for the words "and Kumartuli Street" by sec. 8(1) of the Calcutta Municipal (Amendment) Act, 1965 (West Ben. Act. IV of 1965).

*These words were inserted by sec. 8(2)(i), *ibid.*

*Substituted for the words "Arabinda Sarani" by sec. 8(2)(ii), *ibid.*

*Substituted for the words "Arabinda Sarani" by sec. 8(3), *ibid.*

*Substituted for the words "Arabinda Sarani" by sec. 8(4), *ibid.*

*Substituted for the words "Arabinda Sarani" by sec. 8(5), *ibid.*

(Schedule V.--Wards.)

1 No. of the ward.	2 Boundaries of ward.			
	On the North.	On the South.	On the East.	On the West.
13	The New Canal ...	Ultadanga Main Road and Harish Neogy Road.	The Eastern Railway and Harish Neogy Road.	The Circular Canal.
14	Harish Neogy Road and Ultadanga Main Road.	Bagmari Road and Mauiktala Main Road.	The Eastern Railway and Bagmari Road.	The Circular Canal and Harish Neogy Road.
15	Kali Palit Lane and '[Shri Aurobindo Sarani].	Vivekananda Road ...	The Circular Canal ...	Acharyya Prafulla Chandra Road and Raja Dinendra Street.
16	Raja Raj Krishna Street.	Beadon Street ...	Acharyya Prafulla Chandra Road.	Bidhan Sarani.
17	*[Shri Aurobindo Sarani].	Beadon Street ...	Bidhan Sarani ...	Jatindra Mohan Avenue.
18	*[Shri Aurobindo Sarani].	Beadon Street ...	Jatindra Mohan Avenue.	Rabindra Sarani.
19	Sovabazar Street ...	B. K. Paul Avenue, Ahiritola Street and its continuation up to the River Hooghly.	Rabindra Sarani ...	The River Hooghly.
20	Ahiritola Street and its continuation up to the River Hooghly and B. K. Paul Avenue.	Nimtala Ghat Street and Port Commissioners' Road leading to Nimtala Ghat.	Rabindra Sarani ...	The River Hooghly.
21	Port Commissioners' Road leading to Nimtala Ghat and Nimtala Ghat Street.	Darpanarain Tagore Street '[, Kali Krishna Tagore Street and the Port Commissioners' Road leading to the River Hooghly].	Baishnab " * Sett Street, Prasanna Kumar Tagore Street, Jadoolal Mallick Road and Maharsi Debendra Road.	The River Hooghly.
22	*[Port Commissioners' Road leading from the River Hooghly up to Kali Krishna Tagore Street, Kali Krishna Tagore Street] and Darpanarain Tagore Street.	Cotton Street, Mirbahar Ghat Street and Port Commissioners' Road leading to the River Hooghly.	Jadoolal Mallick Road, Jeggendra Kaviraj Row, Kalakar Street and Jagamohan Mallick Lane.	Maharsi Debendra Road and the River Hooghly.

¹Substituted for the words "Arabinda Sarani" by sec. 8(6) of the Calcutta Municipal (Amendment) Act, 1965 (West Ben. Act IV of 1965).

²Substituted for the words "Arabinda Sarani" by sec. 8(7), *ibid.*

³Substituted for the words "Arabinda Sarani" by sec. 8(8), *ibid.*

⁴Substituted for the words "and Kali Krishna Tagore Street" by sec. 8(9) (i), *ibid.*

⁵The word "Charan" was omitted by sec. 8(9) (ii), *ibid.*

⁶Substituted for the words "Kali Krishna Tagore Street and a road in its continuation up to the River Hooghly" by sec. 8(10), *ibid.*

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(Schedule V.—Wards.)

1 No. of the ward.	2 Boundaries of ward.			
	On the North.	On the South.	On the East.	On the West.
23	Raja Brojendra Street [and Ratan Sarkar Garden Street].	Bartala Street ...	Rabindra Sarani ...	Jagamohan Mallick Lane and Kalakar Street.
24	Nimtala Ghat Street ...	Raja Brojendra Street [and Ratan Sarkar Garden Street].	Rabindra Sarani ...	Baishnab * * * Sett Street, Prasanna Kumar Tagore Street, Jadoolal Mallick Road and Jogendra Kaviraj Row.
25	Nanda Mallick Lane ...	Madan Chatterjee Lane.	Chittaranjan Avenue...	Rabindra Sarani.
26	Beadon Street ...	Vivekananda Road and Nanda Mallick Lane.	Bidhan Sarani ...	Chittaranjan Avenue and Rabindra Sarani.
27	Vivekananda Road ...	Muktaram Babu Street.	Bidhan Sarani ...	Chittaranjan Avenue.
28	Beadon Street ...	Kailash Bose Street and Vivekananda Road.	Acharyya Prafulla Chandra Road and Amherst Street.	Bidhan Sarani.
29	Vivekananda Road ...	Raja Rajnarain Street and Mahendra Sreemani Street.	The Circular Canal ...	Acharyya Prafulla Chandra Road and Amherst Street.
30	Maniktala Main Road, Matilal Sen Lane and Narikeldanga Main Road.	*[Narikeldanga North Road, Sastitala Road and the Eastern Railway].	Narikeldanga North Road, Matilal Sen Lane [Sastitala Road and the Eastern Railway].	The Circular Canal.
31	*[Sastitala Road, Narikeldanga North Road, Maniktala Main Road and Kankurgachi Road].	Narikeldanga Main Road and Matilal Sen Lane.	Kankurgachi Road *[* *].	Sastitala Road, Matilal Sen Lane and Narikeldanga North Road.
32	Bagmari Road and the New Canal.	Narikeldanga Main Road, [Kankurgachi Road] and Maniktala Main Road.	The New Canal ...	*[* *] Kankurgachi Road, Bagmari Road and the Eastern Railway.

¹Inserted by sec. 8(11) of the Calcutta Municipal (Amendment) Act, 1965 (West Ben. Act IV of 1965).

²Inserted by sec. 8(12) (i), *ibid.*

³The word "Charan" was omitted by sec. 8(12) (ii), *ibid.*

⁴Substituted for the words "The Eastern Railway" by sec. 8(13) (i), *ibid.*

⁵Substituted for the words "and Sastitala Road" by sec. 8(13) (ii), *ibid.*

⁶Substituted for the words "Maniktala Main Road and Upendra Chandra Banerjee Road" by sec. 8(14) (i), *ibid.*

⁷The words "and Upendra Chandra Banerjee Road" were omitted by sec. 8(14) (ii), *ibid.*

⁸Substituted for the words "Upendra Chandra Banerjee Road" by sec. 8(15) (i), *ibid.*

⁹The words "Upendra Chandra Banerjee Road", were omitted by sec. 8(15) (ii), *ibid.*

(Schedule V.—Wards.)

1 No. of the ward.	2 Boundaries of ward.			
	On the North.	On the South.	On the East.	On the West.
33	Narikeldanga Main Road.	The Beliaghata Canal and ¹ [Hem Chandra Naskar Road].	The New Canal ...	Gagan Sarkar Road and ⁴ [Hem Chandra Naskar Road].
34	Dr. Panchanan Mitra Lane and Abinash Sashmal Lane.	The Beliaghata Canal	³ [Hem Chandra Naskar Road].	Kankurgachi Chord and Raja Rajendra Lal Mitter Road.
35	⁴ [The Eastern Railway, Narikeldanga Main Road and Hem Chandra Naskar Road].	Circular Canal and Beliaghata Canal, Dr. Panchanan Mitter Lane and Abinash Sashmal Lane.	³ [Hem Chandra Naskar Road, Raja Rajendra Lal Mitter Road and Kankurgachi Chord].	The Eastern Railway.
36	Gas Street ...	Guripara Road and Beliaghata Road.	The Circular Canal, Omda Raja Lane and Nafar Kolay Road.	Acharyya Jagadish Boso Road and Acharyya Prafulla Chandra Road.
37	Keshab Chandra Sen Street.	Suryya Sen Street ...	Acharyya Prafulla Chandra Road.	Amherst Street.
38	Mahendra Sreemani Street and Raja Rajnarain Street.	Gas Street and Keshab Chandra Sen Street.	Acharyya Prafulla Chandra Road and the Circular Canal.	Amherst Street.
39	Kailas Bose Street ...	Keshab Chandra Sen Street.	Amherst Street ...	Bidhan Sarani.
40	Keshab Chandra Sen Street.	Siddheswar Chandra Lane, Madhu Gupta Lane and ⁵ [Surendralal Pyne Lane].	Amherst Street ...	Colloge Street.
41	Muktaram Babu Street	Mahatma Gandhi Road	Bidhan Sarani and College Street.	Chittaranjan Avenue.
42	Madan Chatterjee Lane	Syed Salley Lane and New C. I. T. Road.	Chittaranjan Avenue	Rabindra Sarani.

¹Substituted for the words "New C. I. T. Road connecting Beliaghata Main Road and Narikeldanga Main Road "by sec. 8 (16) (i) of the Calcutta Municipal (Amendment) Act, 1965 (West Ben. Act IV of 1965).

²Substituted for words "New C. I. T. Road connecting Beliaghata Main Road and Narikeldanga Main Road "by sec. 8 (16) (ii), *ibid*.

³Substituted for the words "New C. I. T. Road connecting Beliaghata Main Road and Abinash Sashmal Lane "by sec. 8 (17), *ibid*.

⁴Substituted for the words "Narikeldanga Main Road" by sec. 8 (16) (i), *ibid*.

⁵Substituted for the words "New C. I. T. Road connecting Narikeldanga Main Road and Abinash Sashmal Lane, Raja Rajendralal Mitter Road and Kankurgachi Road "by sec. 8 (18) (ii), *ibid*.

⁶Substituted for the words "Arpuli Lane "by sec. 8 (19), *ibid*.

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(Schedule V.—Wards.)

No. of the ward.	Boundaries of ward.			
	On the North.	On the South.	On the East.	On the West.
43	Bartala Street ...	Biplabi Rash Behari Bose Road and Cotton Street.	Rabindra Sarani ...	Amratala Street and Mallick Street.
44	Cotton Street, Mirbahar Ghat Street and Port Commissioners' Road leading to the River Hooghly.	Biplabi Rash Behari Bose Road and its continuation up to the River Hooghly.	Nataji Subhas Road, Mallick Street and Amratala Street.	The River Hooghly.
45	Biplabi Rash Behari Bose Road and a line drawn from the Western extremity of Biplabi Rash Behari Bose Road to the River Hooghly.	Lalbazar Street, Lawrence Road, Eden Garden Road and a line drawn in continuation of Eden Garden Road to the River Hooghly.	Rabindra Sarani, Dalhousie Square East, Old Court House Street and Government Place East.	The River Hooghly.
46	New C. I. T. Road and Syed Salley Lane.	Tarachand Dutta Street and Bipin Behari Ganguly Street.	Chittaranjan Avenue, Nawab Badruddin Street, Kanai Sil Street, Phear Lane, '[Srinath Babu Lane and Hyde Lane].	Rabindra Sarani.
47	Tarachand Dutta Street and Mahatma Gandhi Road.	Bepin Behari Ganguly Street.	College Street ...	'[Phear Lane, Hyde Lane, Srinath Babu Lane] Kanai Sil Street, Nawab Badruddin Street and Chittaranjan Avenue.
48	'[Surenndrala Pyne Lane], Madhu Gupta Lane and Siddheswar Chandra Lane.	Hidaram Banerjee Lane.	Amherst Street and Sashi Bhushan Dey Street.	Nirmal Chunder Street and College Street.
49	Suryya Sen Street ...	Bepin Behari Ganguly Street.	Acharyya Prafulla Chandra Road.	Amherst Street.
50	Bepin Behari Ganguly Street.	Surenndranath Banerjee Road.	Acharyya Jagadish Bose Road.	Puran Chand Nahar Avenue, Gokul Boral Street and Sashi Bhushan Dey Street.
51	Hidaram Banerjee Lane.	Dharamtala Street ...	Sashi Bhushan Dey Street and Gokul Boral Street.	Nirmal Chunder Street.

^aSubstituted for the words "and Srinath Babu Lane" by sec. 8 (20), of the Calcutta Municipal (Amendment) Act, 1965 (West Ben. Act IV of 1965).

^bSubstituted for the words "Phear Lane, Srinath Babu Lane" by sec. 8 (21), *ibid.*

^cSubstituted for the words "Arpuli Lane" by sec. 8 (22), *ibid.*

(Schedule V.—Wards.)

1 No. of the ward.	2 Boundaries of ward.			
	On the North.	On the South.	On the East.	On the West.
52	Bipin Behari Ganguly Street.	Dharamtala Street and Ganesh Chandra Avenue.	Nirmal Chunder Street.	Chandney Chawk Street, Khairu Place and Bow Street.
53	Lalbazar Street, Bepin Behari Ganguly Street and Ganesh Chandra Avenue.	Esplanade Row East and Dharamtala Street.	Bow Street, Khairu Place and Chandney Chawk Street.	Government Place East, Old Court House Street and Dalhousie Square East.
54	Lawrence Road, Esplanade Row East and Dharamtala Street.	Kyd Street and Outram Road.	Rani Rashmoni Road, Free School Street and Chowringhee Road.	Red Road and Government Place East.
55	Dharamtala Street ...	Marquis Street ...	Rafi Ahmed Kidwai Road.	Free School Street and Rani Rashmoni Road.
56	Dharamtala Street and Surendra Nath Banerjee Road.	European Asylum Lane, Taltola Lane, Dedar Baksh Lane and Haji Md. Mohsin Square.	Puran Chand Nahar Avenue and Acharyya Jagadish Bose Road.	Rafi Ahmed Kidwai Road.
57	Middle Road Entally and the road in its continuation up to Bridge No. II.	Christopher Road and Dr. Suresh Sarkar Road.	The Eastern Railway	Dr. Suresh Sarkar Road.
58	Convent Lane and Debendra Chandra Dey Road.	Christopher Road ...	Kankurgachi Chord ...	The Eastern Railway and Palmer Bazar Road.
59	Beliaghata Road, Guripara Road, Circular Canal and Beliaghata Canal.	Debendra Chandra Dey Road, Gobinda Khatik Road, Convent Lane and a road connecting Convent Lane and Middle Road Entally over Bridge No. 11, Middle Road Entally and Dr. Suresh Sarkar Road.	Rani Rashmoni Garden Lane, Kankurgachi Chord and Palmer Bazar Road.	Omda Raja Lane, Nafar Kolay Road and Acharyya Jagadish Bose Road.
60	Debendra Chandra Dey Road and Beliaghata Canal.	Pagladanga Road, Tangra Road South and Christopher Road.	Pagladanga Road, Tangra Road South and Topsia Road North.	Kankurgachi Chord and Rani Rashmoni Garden Lane.
61	Christopher Road.	Topsia Road South, Tiljala Road and Gorachand Road.	Hughes Road and Topsia Road South.	Topsia Road South, Tiljala Road and Dr. Sundari Mohan Avenue.

XXXIII of 1951.]

(Schedule V.—Wards.)

1 No. of the ward.	2 Boundaries of ward.			
	On the North.	On the South.	On the East.	On the West.
62	Dr. Suresh Sarkar Road.	Mafidul Islam Lane, Anjuman Road and Beniapukur Road.	Dr. Suresh Sarkar Road and ¹ [Hatibagan Road North].	Beniapukur Road and Acharyya Jagadish Bose Road.
63	European Asylum Lane, Taltala Lane, Dedar Boksh Lane and Haji Md. Mohsin Square.	Ripon Street ...	Acharyya Jagadish Bose Road.	Rafi Ahmed Kidwai Road.
64	Ripon Street ...	Park Street ...	Acharyya Jagadish Bose Road.	Rafi Ahmed Kidwai Road.
65	Outram Road, Kyd Street, Marquis Street and Park Street.	Acharyya Jagadish Bose Road ² * * * and Tolly's Nullah.	Rafi Ahmed Kidwai Road, Acharyya Jagadish Bose Road and the road connecting ³ [Acharyya Jagadish Bose Road] and Belvedere Road.	Kidderpore Road, Casurina Avenue ⁴ [Chowringhee Road and Free School Street].
66	Beniapukur Road, Anjuman Road, Mafidul Islam Lane and Dr. Suresh Sarkar Road.	Suhrawardy Avenue and Park Street.	Beniapukur Road and Dr. Sundari Mohan Avenue.	Acharyya Jagadish Bose Road and ⁵ [Hatibagan Road North].
67	Park Street, Suhrawardy Avenue and Gorachand Road.	Park Street, Shamsul Huda Road, Beck-bagan Row and Circus Avenue.	Tiljala Road and Bright Street.	Acharyya Jagadish Bose Road and Dr. Sundari Mohan Avenue.
68	Shamsul Huda Road and Park Street.	Bondel Road ...	The Eastern Railway	⁶ [Ashutosh Chaudhuri Road], Syed Amir Ali Avenue and Bright Street.
69	Tiljala Road, Topsia Road South, Topsia Road North, Tangra Road South and a private road running East to West near the Chinese Club and the Southern Boundary of Boinch-tola Union Board.	Dr. Grindra Sekhar Bose Road and Picnic Garden Road.	Topsia Road South and the Western Boundary of Boinch-tola Union Board.	The Eastern Railway and Hughes Road.

¹Substituted for the words "Hatibagan Road" by sec. 8(23) of the Calcutta Municipal (Amendment) Act, 1965 (West Ben. Act IV of 1966).

²The words " , Circular Road Lower" were omitted by sec. 8(24) (i), *ibid.*

³Substituted for the words "Circular Road Lower" by sec. 8(24) (ii), *ibid.*

⁴Substituted for the words "and Chowringhee Road" by sec. 8(24) (iii), *ibid.*

⁵Substituted for the words "Hatibagan Road" by sec. 8(25), *ibid.*

⁶Substituted for the words "Old Ballygunge Road" by sec. 8(26), *ibid.*

(Schedule V.—Wards.)

1 No. of the ward.	2 Boundaries of ward.			
	On the North.	On the South.	On the East.	On the West.
70	Picnic Garden Road and Dr. Girindra Sekhar Bose Road.	Bosepukur Road, R. K. Chatterjee Road, N. C. Chowdhury Road and Baikuntha Ghose Road.	Dr. Girindra Sekhar Bose Road, Western Boundary of Boinchola Union Board and Banku Behari Chatterjee Road.	The Eastern Railway
71	Bondel Road ...	Ballygunge Station Road, Fern Road and Kankulia Road.	The Eastern Railway and Kankulia Road.	Gariahat Road and ¹ [Ashutosh Chaudhuri Road].
72	Acharyya Jagadish Bose Road, Circus Avenue and Beckbagan Row.	Hazra Road ...	Syed Amir Ali Avenue and ² [Ashutosh Chaudhuri Road].	Sarat Bose Road.
73	Acharyya Jagadish Bose Road.	Chakrabere Road South, and ³ [Paddapukur Road].	Sarat Bose Road ...	Ashutosh Mukherjee Road and Chowringhee Road.
74	Chakrabere Road South and ⁴ [Paddapukur Road].	Hazra Road ...	Sarat Bose Road ...	Ashutosh Mukherjee Road and Shyama Prasad Mukherjee Road.
75	Hazra Road and Debendra Ghosh Road.	Mahim Halder Street	Ashutosh Mukherjee Road and Shyama Prasad Mukherjee Road.	Kalighat Road and Harish Mukherjee Road.
76	⁵ [Debendralal Khan Road], Bejoy Bose Road, Sankaripara Road and Debendra Ghose Road.	Hazra Road ...	Harish Mukherjee Road.	Tolly's Nullah.
77	⁶ [Acharyya Jagadish Bose Road].	Debendra Ghose Road, Sankaripara Road, Bejoy Bose Road and ⁷ [Debendralal Khan Road].	Chowringhee Road and Ashutosh Mukherjee Road.	Tolly's Nullah and the road connecting Belvedere Road and ⁸ [Acharyya Jagadish Bose Road].

¹Substituted for the words "Old Ballygunge Road" by sec. 8(27) of the Calcutta Municipal (Amendment) Act, 1965 (West Ben. Act IV of 1965).

²Substituted for the words "Old Ballygunge Road" by sec. 8(28), *ibid.*

³Substituted for the words "Padmapukur Road" by sec. 8(29) *ibid.*

⁴Substituted for the words "Padmapukur Road" by sec. 8(30), *ibid.*

⁵Substituted for the words "Bhowanipukur Road" by sec. 8(31), *ibid.*

⁶Substituted for the words "Circular Road Lower" by sec. 8(32) (i), *ibid.*

⁷Substituted for the words "Bhowanipur Road" by sec. 8(32) (ii), *ibid.*

⁸Substituted for the words "Circular Road Lower" by sec. 8(32) (iii), *ibid.*

XXXIII of 1951.]

(Schedule V.—Wards.)

1 No. of the ward.	2 Boundaries of ward.			
	On the North.	On the South.	On the East.	On the West.
78	Tolly's Nullah ...	Judges' Court Road, Chetlahat Road and the Eastern Railway.	Tolly's Nullah, Gopal- nagar Road and Alipore Road.	Diamond Harbour Road and Kidder- pore Bridge App- roach.
79	Strand Road and a line drawn in con- tinuation of the Strand Road to the River Hooghly and Glyde Row.	Watgunge Street ...	Canal Road, St. George's Gate Road, Kidderpore Bridge Approach and Cir- cular Garden Reach Road.	Garden Reach Road and the River Hooghly.
80	Garden Reach Road and Watgunge Street.	Circular Garden Reach Road.	Circular Garden Reach Road.	Satya Doctor Road and Sastitala Road.
81	Circular Garden Reach Road.	Ekbalpur Road ...	Diamond Harbour Road.	Bhukailash Road.
82	Ekbalpur Road ...	Braunfeld Row and Hossain Shah Road.	Diamond Harbour Road.	Bhukailash Road.
83	Circular Garden Reach Road, Hossain Shah Road and Braunfeld Row.	Goragacha Road ...	Bhukailash Road and Diamond Harbour Road.	Hide Road.
84	The River Hooghly and Goragacha Road.	South Suburban Muni- cipality, Garden Reach Municipality and Garden Reach Road.	Tolly's Nullah, Garden Reach Road, Sastitala Road, Satya Doctor Road, Doctor Road, Hide Road and Diamond Harbour Road.	Garden Reach Municipality.
85	The Eastern Railway	Circular Road Tolly- gunge and Northern Boundary of the South Suburban Municipality up to the point where it meets Diamond Harbour Road.	Deshapran Sashmal Road.	Diamond Harbour Road.
86	Chetlahat Road and Judges' Court Road.	The Eastern Railway and Alipore Road.	Tolly's Nullah ..	Alipore Road and Gopalnagar Road
87	Hazra Road and Mahim Halder Street.	Reshbehari Avenue ...	Kalighat Road and Shyama Prosad Mukherjee Road.	Tolly's Nullah.

(Schedule V.—Wards.)

1 No. of the ward.	2 Boundaries of ward.			
	On the North.	On the South.	On the East.	On the West.
88	Rashbehari Avenue ...	The Eastern Railway...	Shyama Prosad Mukherjee Road.	Tolly's Nullah.
89	Rashbehari Avenue ...	The Eastern Railway...	Sarat Bose Road and Baroj Road.	Shyama Prosad Mukherjee Road.
90	Hazra Road ...	Rashbehari Avenue ...	Sarat Bose Road ...	Shyama Prosad Mukherjee Road.
91	Hazra Road and Dover Lane.	Rashbehari Avenue ...	Garcha 1st Lane, Garcha 2nd Lane connecting Garcha 1st Lane and Dover Lane, and Ramani Chatterjee Road.	Sarat Bose Road.
92	Rashbehari Avenue and Hazra Road.	Dover Lane and Southern Avenue.	Gariahat Road ...	Jatin Bagchi Road, Ramani Chatterjee Road, Garcha 2nd Lane connecting Dover Lane and Garcha 1st Lane.
93	Rashbehari Avenue Southern Avenue, Kankulia Road, Fern Road and Ballygunge Station Road.	The Eastern Railway...	Jatin Bagchi Road and the Eastern Railway.	Kankulia Road, Baroj Road and Sarat Bose Road.
94	Baikuntha Ghose Road, N. C. Chowdhury Road, R. K. Chatterjee Road and Bosepukur Road.	Rajdanga Road, Sarat Ghose Garden Road, Northern Boundary of Haltoo Union Board and Garfa Road.	Western Boundary of Boinchtala Union Board, ¹ [Kasba Road, K. P. Roy Lane], Western Boundary of Haltoo Union Board and Jheel Road.	The Eastern Railway and Banku Behary Chatterjee Road.
95	The Eastern Railway...	Jadavpur Station Road, Jadavpur Central Road, Prince Goham Hossain Shah Road and Prince Anwar Shah Road.	The Eastern Railway...	Prince Gholam Md. Shah Road and Dr. Daudar Rahman Road.
96	The Eastern Railway and Prince Anwar Shah Road.	Graham Road and Netaji Subhas Chandra Bose Road.	Dr. Daudar Rahman Road, Prince Gholam Md. Shah Road.	Deshapran Shasmal Road.

¹Substituted for the words "Banku Behari Chatterjee Road, K. P. Roy Road" by sec 8 (33) of the Calcutta Municipal (Amendment) Act, 1965 (West Ben. Act IV of 1965).

XXXIII of 1951.]

(Schedule V.—Wards.—Schedule VI.—Tax on carriages and animals.)

1 No. of the ward.	2 Boundaries of ward.			
	On the North.	On the South.	On the East.	On the West.
97	Circular Road Tollygungo and Netaji Subhas Chandra Bose Road.	Tolly's Nullah ...	Deshapran Shasmal Road, Netaji Subhas Chandra Bose Road and a new road in continuation of Raipur Road up to Tolly's Nullah.	Tolly's Nullah.
98	Graham Road, Minapara Road, Raipur Road and Netaji Subhas Chandra Bose Road.	Khanpur Road and Tolly's Nullah.	Minapara Road, Raipur Road, Naktala Road, Khanpur Road and the road from Netaji Subhas Chandra Bose Road up to Tolly's Nullah.	The road in continuation of Raipur Road up to Tolly's Nullah and Netaji Subhas Chandra Bose Road.
99	² [Prince Gholam Hossain Shah Road and Jadavpur Central Road].	Raipur Road East and Minapara Road.	Raja Subodh Chandra Mallick Road.	Minapara Road and Prince Gholam Md. Shah Road.
100	Raipur Road East and Khanpur Road.	Tolly's Nullah, Netaji Subhas Chandra Bose Road and Raipur Road.	Raja Subodh Chandra Mallick Road.	The road from Netaji Subhas Chandra Bose Road up to Tolly's Nullah, Khanpur Road, Naktala Road and Raipur Road.

SCHEDULE VI.

TAX ON CARRIAGES AND ANIMALS.

(See section 208.)

	Per half year.
Rs. 'P.	
1. On every four-wheeled carriage (not being a hackney-carriage) drawn by two horses	24 0
2. On every four-wheeled hackney-carriage drawn by two horses	16 0

¹Substituted for the words "Prince Gholam Hossain Shah Road" by sec. 8 (3a), of the Calcutta Municipal (Amendment) Act, 1965 (West Ben. Act IV of 1965).

²Substituted for the letter "a" by sec. 120 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 19.4).

[West Ben. Act

(Schedule VI.—Tax on carriages and animals.—Schedule VII.—
Scavenging-tax.)

	Per half year.	Rs. ¹ P
3. Where any person owns more than one carriage included in Class 1, then on every such carriage after the first ...	16	0
4. Where any person owns more than one carriage included in Class 2, then on every such carriage after the first ...	12	0
5. On every four-wheeled carriage (not being a hackney-carriage) drawn by one horse, pony or mule, or a pair of ponies or rules under 13 hands ...	12	0
6. On every four-wheeled hackney-carriage of the description mentioned in class 5 ...	8	0
7. On every two-wheeled carriage drawn by one or more animals	12	0
8. On every jinrickshaw ...	4	0
9. On every horse (not being a race or hackney-carriage horse)	12	0
10. On every race horse ...	100	0
11. On every hackney-carriage horse ...	8	0
12. On every pony or mule of or over 13 hands—		
(a) not used in a hackney-carriage ...	12	0
(b) used in a hackney-carriage ...	8	0
13. On every pony or mule under 13 hands ...	4	0
14. On every cycle-rickshaw ...	4	0

SCHEDULE VII.

SCAVENGING-TAX.

(See section 222.)

Part I—Persons by whom the tax is payable.

Hackney-carriage owner.	Swineherd.
Carter.	Shepherd.
Milk-seller.	Goatherd.
Cattle-dealer.	Owner of a cattleshed.
Donkey owner.	Owner or occupier of a market.

¹ See foot note 1 on page 579, *ante*.

² Item 15 was omitted by notification No. M.1A-61/52, dated the 7th September, 1953, published in the *Calcutta Gazette*, dated 17.9.53, Part I, page 3069.

XXXIII of 1951.]

(Schedule VII.—Scavenging-tax.—Schedule VIIA.—Tax on Advertisements.)

Part II—Rates of fee for licences.

				Per half year. Rs. P.	
(1) For every horse—					
(i) not used in a hackney-carriage	...	...	...	12	0
(ii) used in a hackney-carriage...	...	...	...	8	0
(2) For every pony or mule of or over 13 hands—					
(i) not used in a hackney-carriage	...	...	...	12	0
(ii) used in a hackney-carriage	...	...	...	8	0
(3) For every pony or mule under 13 hands—					
(i) not used in a hackney-carriage	...	...	...		0
(ii) used in a hackney-carriage	...	...	...	4	0
(4) For every bull or buffalo used for drawing cart	...	...	...	3	0
(5) For every cow or buffalo kept by a milk-seller or a cattle-dealer	...	...	...	1	[50]
(6) For every donkey or swine	...	...	...	1	*[50]
(7) For every ten sheep or goats	...	...	...	6	0
(8) For every *[three hundred thousand cubic centimetres] of offensive matter and rubbish or part thereof removed on an average daily from a market	...	...	...	60	0

*SCHEDULE VIIA.

Tax on Advertisements.

(See section 229.)

	Per month. Rs. P.	Per year. Rs. P.
Advertisements on hoardings, walls or posts or in the form of non-illuminated sky signs—		
(a) for a space up to 1 square metre		12'00
(b) for a space over 1 square metre and up to 2.5 square metres		25'00
(c) for every additional 2.5 square metres or less		20'00
2. Advertisements on cloth hung across streets or footpaths—		
(a) in a street up to 6 metres wide	1'00 (per running 30 centimetres)*	
(b) in a street over 6 metres wide	1'50 (per running 30 centimetres)*	

*Substituted for the letter "a" by sec. 121(a)(i) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

*Substituted for the figure "8" by sec. 121 (a)(ii), *ibid.*

*Substituted for the figure "8" by sec. 121 (a)(i), *ibid.*

*Substituted for the words "twelve cubic feet" by sec. 121 (b), *ibid.*

*Schedule VIIA was inserted by sec. 122, *ibid.*

*In addition to the usual amount on the basis of the surface area of the cloth, calculated at the rates as in item 1, reduced in terms of a month.

(Schedule VIIA.—Tax on Advertisements.)

	Per month. Rs. P.	Per year. Rs. P.
3. (i) Advertisements which are fixed to or against the wall or outer face of a building and—		
(1) no part of which projects on or over a street :		
(a) for a space up to 1 square metre		12'00
(b) for a space over 1 square metre and up to 2.5 square metres		25'00
(c) for every additional 2.5 square metres or less		20'00
(2) which are placed in a position inclined to the vertical or otherwise project on or over a street :		
(a) for a space up to 1 square metre		12'00
(b) for a space over 1 square metre and up to 2.5 square metres		25'00
(c) for every additional 2.5 square metres or less		20'00
(ii) Advertisements suspended over or across street—		
(a) for a space up to 1 square metre		12'00
(b) for a space over 1 square metre and up to 2.5 square metres		25'00
(c) for every additional 2.5 square metres or less		20'00
N.B.—If the advertisement board projects more than sixty centimetres over or across streets—Rs. 4 for every additional 30 centimetres in addition to the tax prescribed above.		
N.B.—If the board exceeds 15 centimetres in thickness—Rs. 2 per 30 centimetres of the thickness in addition to the tax above.		
4. Advertisement boardings standing blank but bearing the name of the advertiser or with the announcement "To be let" displayed thereon :		
(a) for a space up to 1 square metre	0'50	
(b) for a space over 1 square metre and up to 5 square metres	1'00	
(c) for every additional 2.5 square metres or less	1'00	

XXXIII of 1951.]

(Schedule VIIA.—Tax on Advertisements.)

	Per month. Rs. P.	Per year. Rs. P.
5. Advertisement boards carried on vehicles (or advertisements displayed on the body of vehicles)—		
(a) for a space up to 1 square metre		20'00
(b) for a space over 1 square metre and up to 2'5 square metres		41'00
(c) for a space over 2'5 square metres and up to 5 square metres		75'00
(d) for every additional 5 square metres or less		75'00
Provided that in the case of a person advertising in more than one vehicle at a time, the total space advertised in all the vehicles taken together shall be taken into account for the purpose of determination of the tax.		
6. Illuminated advertisement boards carried on vehicles (or illuminated advertisements displayed on the body of vehicles)—		
(a) for a space up to 2'5 square metres		75'00
(b) for a space over 2'5 square metres and up to 5 square metres		150'00
(c) for every additional 5 square metres or less		150'00
7. Advertisement boards carried by sandwich boardmen—		
(a) for each board up to 1 square metre	1'25	
(b) for each board over 1 square metre and up to 2'5 square metres	2'50	
(c) for every additional 1 square metre or less	1'25	

[West Ben. Act**(Schedule VIIA.—Tax on Advertisements.)**

	Per month. Rs. P.	Per year. Rs. P.
8. Illuminated advertisement boards carried by sandwich boardmen—		
(a) for each board up to 1 square metre	2'50	
(b) for each board over 1 square metre and up to 2'5 square metres	5'00	
(c) for every additional 1 square metre or less	2'50	
9. Illuminated sky-signs and advertisements other than those referred to in items 6 and 8—		
(a) for a space up to 2,000 square centimetres		16'00
(b) for a space over 2,000 square centimetres and up to 5,000 square centimetres		32'00
(c) for a space over 5,000 square centimetres and up to 2'5 square metres		40'00
(d) for every additional 2'5 square metres or less		40'00
<i>N.B.—In the case of projected advertisements in addition to the tax prescribed above, the same rates will apply regarding projection and thickness, as given in item 3 above.</i>		
10. Advertisements exhibited on screens by means of lantern slides or similar devices—		
(a) for a space up to 5,000 square centimetres		64'00
(b) for a space over 5,000 square centimetres and up to 2'5 square metres		80'00
(c) for every additional 2'5 square metres or less		80'00

XXXIII of 1951.]

(Schedule VIIA.—Tax on Advertisements.)

			Per month.	Per year.
			Rs. P.	Rs. P.
11. Posters on walls or hoardings—				
(a) for a space not exceeding a single royal	...	...	0.25	
(b) for a space not exceeding double royal	...	...	0.50	
(c) for every additional 1 square metre	...	...	0.37	

If a poster for which tax has already been paid has to be replaced due to damage or otherwise before the expiry of the period for which the tax has been paid, a stamp may be affixed to the new poster to the effect that it is covered by the original receipt for payment, the number and date whereof should be specified on the body of the poster :

Provided that the previous approval of the Commissioner shall be taken before erecting such new posters.

12. Fly-posters or hand-posters—				
(a) of a size up to 96 square centimetres			1	paise each.
(b) of a size over 96 square centimetres and up to 192 square centimetres			2	paise each.
(c) of a size over 192 square centimetres and up to 320 square centimetres	...	...	3	paise each.
(d) of a size over 320 square centimetres and up to 480 square centimetres	...	...	5	paise each.
(e) of every additional 96 square centimetres or less	...	...	1	paise each.

EXPLANATION.

1. In calculating the space or area referred to above all the faces of the advertisement hoardings, boards, etc., utilised for purposes of display shall be taken into account :

Provided that in the case of a sky-sign, in addition to the above, the face surface of the supporting pillars or raised platforms, if any, below the actual displaying area shall also be taken into account.

2. An advertisement shall not be deemed to be an illuminated advertisement within the meaning of this Schedule if such advertisement is illuminated merely by light which, in the opinion of the Commissioner, is not more than what is necessary to make the same visible at night.

[West Ben. Act

(Schedule VIII.—Form of Notice of Demand.)

SCHEDULE VIII.

FORM OF NOTICE OF DEMAND.

[See sections 236 (1) and 254 (1).]

To

A. B.

residing at

Take notice that the Corporation of Calcutta demands from you (*as owner or occupier) the sum of due from you on account of the consolidated rate (or tax as the case may be) for (here describe the premises on account of which the rate is leviable or the carriage, animal, profession, trade or calling on account of which the tax is payable) for the quarter (or half-year, or year) commencing (or ending) on the day of , and that if the said sum is not paid into the municipal office at or to an officer appointed to receive the same, or if sufficient cause for non-payment of the same is not shown to the satisfaction of the Commissioner within ¹[fifteen days] from the service of this notice, a warrant of distress will be issued for the recovery of the same, with costs.

Dated this Page 586— of

*In Schedule VIII,—

(a) for the words "Corporation of Calcutta demand substitute the words "Corporation of Howrah demands",

(b) for the words "Commissioner, Calcutta Corporation substitute the words "Commissioner, Howrah Corporation".

¹In the case 246, state that not sum due remains

¹These words the Calcutta Mun 1959).

(Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

[No. 2, dated the 1st May, 1970.]

XXXIII of 1951.]

(Schedule IX.—Form of Warrant of Distress.)

SCHEDULE IX.

FORM OF WARRANT OF DISTRESS.

[See sections 237 (1), 244 (1) and 258 (1).]

To (here insert the name of the officer charged with the execution of the warrant).

Whereas A. B., of , has not paid, or shown sufficient cause to my satisfaction for the non-payment of, the sum of due for the consolidated rate (or tax, as the case may be) for the quarter (or half-year or year) commencing (or ending) on the day of , although the said sum has been duly demanded in writing from the said A. B., and ¹[fifteen days] have elapsed since the service of the notice of demand ;

[or Whereas the proceeds of the sale of the movable property of A. B., of , distrained under a warrant dated , and sold under section 243, are not sufficient to cover the sum distrained for ;

And whereas the sum of is still due from the said A. B.;

[And whereas the said sum has been increased under section 257, to ;]

This is to direct you to distrain the movable property of the said A. B. (or, as the case may be, any movable property found on the premises in respect of which the said rate is due) to the amount of the said sum of and such further sum as may be sufficient to defray the costs of recovering the said amount ; and if the said property is of a perishable nature and if after such distress the said sum shall not be paid together with such further sum as shall be sufficient to defray the said cost, to sell the said property with the consent of the defaulter at once or without such consent after the expiry of six hours from the seizure, and if the said property is not of a perishable nature and if within two days next after such distress the said sum shall not be paid, together with such further sum as shall be sufficient to defray the said costs, to sell the said movable property ; and having paid and deducted out of the proceeds of the sale the said sum of and the costs of recovering the same, to credit the surplus (if any) to the Municipal Fund.

If sufficient distress cannot be found of the movable property of the said A. B. (or on the said premises, as the case may be), you are to certify the same to me together with this warrant.

Dated this day of

Pages 587—

"In Schedule IX, for the words "Commissioner, Calcutta Corporation", substitute the words "Commissioner, Howrah Corporation".

(Substituted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

sec. 14 of the of 1952.)

[No. 2, dated the 1st May, 1970.]

[West Ben. Act

(Schedule X.—Parts or combination of plant and machinery in certain cases not to be excluded in calculating the value of any land or building.)

SCHEDULE X.

PARTS OR COMBINATION OF PLANT AND MACHINERY IN CERTAIN CASES NOT TO BE EXCLUDED IN CALCULATING THE VALUE OF ANY LAND OR BUILDING.

[See section 168(3*).]

The following parts of a plant or a combination of plant and machinery whenever and only to such extent as any such part is, or is in the nature of, a building or structure :—

- Acid Concentrators ;
- Bins and Hoppers ;
- Blast Furnaces ;
- Burners, Forges, Furnaces, Kilns, Ovens and Stoves ;
- Chambers for—
 - Absorption of gases or fumes ;
 - Adrographing and Spraying ;
 - Bleaching ;
 - Chemical Reaction ;
 - Conditioning or Treatment ;
 - Cooling ;
 - Drying ;
 - Dust or Fume Collecting ;
 - Fibre separation (Wool Carbonising) ;
 - Fuming ;
 - Impregnating ;
 - Refrigerating ;
 - Regenerating ;
 - Sandblasting ;
 - Sterilising ;
 - Sulphuric Acid ;
- Chimneys ;
- Coking Ovens ;
- Condensers and Scrubbers—
 - Acid ;
 - Alkali ;
 - Gas ;
 - Oil ;
 - Tar ;
- Conveyor Gantries ;
- Cooling Ponds ;
- Crane Gantries ;
- Cupolas ;
- Economisers ;
- Elevators and Hoists ;
- Evaporators ;
- Fan Drifts ;
- Floating Docks and pontoons, with any Bridge or Gangways not of a temporary nature used in connection therewith ;

**Sic.* For "(3)" read "(4)"—printing mistake.

XXXIII of 1951.]

(Schedule X.—Parts or combination of plant and machinery in certain cases not to be excluded in calculating the value of any land or building.)

Flues ;
Flumes and Conduits ;
Foundations, Settings, Gantries, Supports, Platforms and
Stagings for plant and machinery.

Gas—

 Holders ;
 Producers and Generators ;
 Purifiers and cleansers.

Headgears—

 Mine, Quarry and Pit ;
 Hydraulic Accumulators ;
 Well.

Pits, Beds and Bays—

 Casting ;
 Cooling ;
 Drop ;
 Inspecting or Testing ;
 Liming, Soaking, Tanning or other treatment ;
 Settling.

Racks ;
Refuse Destructors and Incinerators ;
Retorts ;

Ship Construction and Repair—

 Slipways ;
 Uprights ;
 Cradles ;
 Grids.

Silos ;

Stages, Staithes and Platforms for loading, unloading and
handling material ;

Stills ;

Superheaters ;

Tanks ;

Towers for—

 Absorption of gases or fumes ;
 Chemical Reaction ;
 Cooling ;
 Oil Refining and Condensing Treatment ;
 Water.

Transporters Gantries ;
Transversers and Turntables ;
Vats ;
Weighbridges ;
Windmills ;
Wireless Masts.

[West Ben. Act]

(Schedule XI.—Table of fees payable on Warrants of Distress.
—Schedule XII.—Form of notice of sale.)

SCHEDULE XI.

TABLE OF FEES PAYABLE ON WARRANTS OF DISTRESS.

[See section 237(3).]

Sum distrained for.	Fee.
	Rs. ¹ P.
Under 10 rupees . .	0 ² [50]
Rupees 10 and under Rs. 20	1 0
" 20 " " 30	1 ² [50]
" 30 " " 40	2 0
" 40 " " 50	2 ² [50]
" 50 " " 60	3 ² [50]
" 60 " " 80	4 0
" 80 " " 100	5 0
" 100 " " 500	7 ² [50]
" 500 " " 1,000	10 0
Above Rs. 1,000	15 0

The above fees are to include all expenses other than charges for removal of distrained property except when peons are kept in charge of property distrained in which case rupees two shall be paid daily for each peon so employed.

SCHEDULE XII.

FORM OF NOTICE OF SALE.

(See section 240.)

To

A. B.

residing at

Take notice that I have this day seized the movable property specified in the inventory set out below for the sum of due for the consolidated rate (or tax, as the case may be) for the quarter (or half-year or year) commencing (or ending) on the day of ; and that unless you pay into the municipal office at the amount due, together with the costs of recovery, within two days from the date of this notice, the said property will be sold.

Dated this day of

(Signature of the Officer
executing the Warrant of Distress.)

Inventory.

(Here state particulars of the movable property seized.)

¹Substituted for the letter "a" by sec. 123 (a), of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Substituted for the figure "8" by sec. 123 (b), *ibid*.

XXXIII of 1951.]

(Schedule XIII.—Rules as to private connections to premises and metres.—Rules 1—4.)

SCHEDULE XIII.

RULES AS TO PRIVATE CONNECTIONS TO PREMISES AND METERS.

(See sections 283, 292 and 537.)

Private connections to premises.

1. (1) All premises connected with the municipal water-supply shall be provided with separate service-pipes from the municipal main.

Separate service-pipes for separate premises.

(2) In any case in which a service-pipe from a municipal main is used for supplying water to two or more premises, the Commissioner may, by written notice, require the owners of such premises to lay down separate service-pipes for separate premises; and the expense of so doing shall be borne by all such owners in such proportion as may be determined by the Commissioner.

2. (1) In premises connected with the municipal water-supply, separate stop-cocks shall be provided by the owner for controlling the supply of unfiltered water for the purposes mentioned in clause (i) and clause (ii) respectively, of sub-section (2) of

Separate stop-cocks and underground hydrants or taps for supply of unfiltered water to private premises.

Outer stop-cocks.

Pages 591, 593—

*In Schedule XIII,—

(a) omit rule 2,

(b) in rule 4,—

(i) omit the words “or unfiltered”

(ii) in the second column of the table, omit the sub-heading “Unfiltered water.” and all entries thereunder;

he purposes of 71, it shall only from d.

ted with the ten notice, k in some times from

4. (1) Filtered or unfiltered water supplied under Chapter XVIII to any premises shall be supplied according to the annual value of such premises, as determined under Chapter XI, through a ferrule of the size prescribed therefor in the following table :—

Size of ferrules.

Annual value of premises as determined under Chapter XI.	Size of ferrule.	
	Filtered water.	Unfiltered water.
	Milli-metres.	Milli-metres.
From 1 to 299 rupees (both inclusive)	6·35	12·70
From 300 to 1,199 rupees (both inclusive)	9·53	12·70
From 1,200 to 2,999 rupees (both inclusive)	11·10	12·70
From 3,000 to 4,999 rupees (both inclusive)	12·70	12·70
From 5,000 to 8,999 rupees (both inclusive)	19·05	19·05
From 9,000 rupees or more	25·40	25·40.

¹Substituted for the existing table by sec. 124 (1) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

[West Ben. Act

(Schedule XIII.—Rules as to private connections to premises and meters.—Rule 5.)

Provided as follows :—

- (a) the State Government may, on the recommendation of the Corporation, substitute any other scale for the scale of ferrules prescribed in the said table ;
- (b) if any premises be so situated that the ferrule prescribed therefor in the said table or under proviso (a) is too small to pass, the daily supply of water to which the occupier of the premises is entitled under section 274, the Commissioner with the approval of the Standing Committee shall permit the use of a larger ferrule for such premises :

Provided further that nothing in this rule shall affect the use of ferrules existing immediately before the commencement of this Act for the supply of water to any premises.

Construc-
tion of
service-
pipes,
ferrules
and works.

5. (1) The service-pipe for carrying water from the municipal mains into any premises, and the pipes, taps and works (other than ferrules) within such premises shall be of such character, dimensions and materials as the Corporation may fix and approve, and shall be made and constructed at the expense of the person requiring the same.

(2) The said ferrules shall be of such character and material as the Corporation may fix and approve, and except as provided in rule 4, sub-rule (2), shall be affixed at the expense of the occupier of the premises.

(3) The said service-pipe, and all fittings thereon for carrying water from the municipal mains into any premises, and all ferrules, pipes, taps, works and fittings inside the premises, shall in all cases be executed subject to the inspection of the Commissioner and to his satisfaction ;

and the connection of premises with the municipal mains, and the laying of supply-pipes under any public street or thoroughfare, shall be executed in the presence of a municipal officer authorized in that behalf, and in no other way.

(4) Such service-pipe, fittings, ferrules, pipes, taps and works may be made by the Corporation upon such terms as may be agreed upon between the Corporation and the person requiring the water-supply, or subject to such charges as may be fixed by it ;

and, when they are to be so made, the Commissioner may require the cost thereof to be paid or deposited before the work is executed.

XXXIII of 1951.]

(Schedule XIII.—Rules as to private connections to premises and meters.—Rules 6—9.)

6. The Commissioner may inspect any premises supplied with water under Chapter XVIII in order to examine all ¹[pipes, taps, meters, works] and fittings connected with the ²[supply of water, to read or repair meters, and to ascertain] whether there is any waste or misuse of such water.

Power to Commissioner to inspect premises.

7. (1) If any pipes, taps, works, distributories or fittings connected with the supply of filtered or unfiltered water in any premises be found, on examination by the Commissioner to be (c) in sub-rule (1) of rule 7, omit the words "or unfiltered". or or occupier (Omitted by West Ben. Act XVII of 1965, section 6 and Schedule B.)

Replacing or alteration of fittings for supplying water.

[No. 2, dated the 1st May, 1970.]

specified in

Provided that where any ferrule is obstructed owing to silt or other matter being deposited therein, the Commissioner shall himself cause such ferrule to be cleansed and replaced in proper order :

Provided also that if the defect is such as in the opinion of the Commissioner causes or is reasonably suspected to cause contamination in the supply of filtered water, the Commissioner may forthwith and without notice carry out such work as may be necessary to remove the defect, and all expenses incurred by the Commissioner in so doing shall be recovered from the owner or occupier of the premises.

(2) If any notice issued under sub-rule (1) is not complied with within forty-eight hours, the Commissioner may forthwith carry out the work, and the cost thereof shall be payable by the person to whom the notice was issued.

8. (1) Before a connection for the supply of water from the municipal mains to any premises is sanctioned by the Commissioner, he shall cause all the works, pipes, taps and fittings within such premises to be inspected by a duly qualified officer.

(2) Until the Commissioner has certified that the said works, pipes, taps and fittings have been executed and put up in a satisfactory manner, no connection with the municipal mains shall be made.

Inspection of works, etc., by qualified officer before permitting connection with mains.

Meters.

9. (1) If the owner or occupier of any premises to the service-pipe of which a meter is attached desires to have the meter tested, he may send a written application to the Commissioner and such application shall be accompanied by a fee of five rupees.

Testing of meter.

¹Substituted for the words "pipes, taps, works" by sec. 124(2) (a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Substituted for the words "supply of water, and to ascertain" by sec. 124(2) (b), *ibid*.

[West Ben. Act]

(Schedule XIII.—Rules as to private connections to premises and meters.—Rules 10—13.)

(2) Upon receipt of any such application and fee, the Commissioner shall forthwith cause such meter to be tested, at a time and place to be specified in a notice to be served upon such owner or occupier.

(3) If such meter is found, upon being so tested, to register more than two per cent. in excess of the correct quantity, the said fee shall be returned to the person who sent it.

Payment
by
occupier
in case of
incorrect-
ness of
meter.

10. If a meter which has been tested under rule 9 does not register more than two per cent. in excess of the correct quantity, the amount payable under section 290, shall be calculated according to the quantity indicated by the meter ; but if the meter registers more than two per cent. in excess of the correct quantity, the quantity indicated shall for the purpose of calculating the amount payable under section 290, be reduced by making an allowance at double the percentage of the excess the meter is found to register :

Provided that—

- (a) if the excess which the meter is found to register is more than ten per cent., no charge shall be made under section 290 ; and
- (b) no reduction shall be allowed in calculating the charge for excess under section 290, on account of the incorrectness of the meter, except on the amount payable for the quarter in which the application referred to in rule 9, sub-rule (1), is received.

Replacing
of meter.

11. When any meter attached to the service-pipe of any premises is out of order or under repair, the Commissioner shall forthwith replace it by another meter.

Prohibition
of fraud
in respect
of meter.

12. No person shall fraudulently—

- (a) alter the index to any meter, or prevent any meter from duly registering the quantity of water supplied, or
- (b) abstract or use water before it has been registered by a meter set up for the purpose of measuring the same.

Prohibition
of injuring
meter or
fittings.

13. No person shall wilfully or negligently injure or suffer to be injured any meter belonging to the Corporation, or any of the fittings of any such meter.

XXXIII of 1951.]

*(Schedule XIV.—Rules as to drains, privies and urinals.—
Rules 1—4.)*

SCHEDULE XIV.

RULES AS TO DRAINS, PRIVIES AND URINALS.

[See sections 319, 326, 327(2), 330(1) and (2), 331(2), 336, 338, 339, 340(1), 341, 415(1)(d) and 537.]

Drains.

1. (1) Every person who intends to construct a house-drain, or to make any substantial additions to, or alterations in, a house-drain, shall send to the Commissioner through a licensed plumber an application in such form (to be supplied free of charge) as may be prescribed by the Commissioner and shall state therein the name and address of the licensed plumber who will execute the work and the purposes for which the drain is to be used.

Plans of house-drains to be submitted to Commissioner.

(2) Such application shall be accompanied by a plan, in triplicate, unless the Commissioner otherwise directs, drawn to a scale of ¹[one metre to a centimetre] (or such smaller scale as the Commissioner may consider sufficient), and showing—

- (a) the premises to be drained and the boundaries thereof,
- (b) the position of all existing filtered water pipes within the premises,
- (c) the alignment, gradient and size of the proposed house-drain and its appurtenances,
- (d) any existing drains and their appurtenances, and
- (e) any other particulars which may be prescribed by the Commissioner.

2. Every underground house-drain constructed after the commencement of this Act shall consist of good sound pipes made of glazed stoneware or other suitable material, and shall have water-tight joints made of Portland cement or any other cement approved by the Commissioner.

Material and joints.

3. Every such house-drain shall be of adequate size, with internal diameter of not less than—

Size.

- (a) ²[one hundred and fifty millimetres] between the master-trap and the sewer, and
- (b) ³[one hundred millimetres] at all other places.

4. No such house-drain shall be so constructed as to form in any of such drains a right-angled junction, either vertical or horizontal, and every branch drain or tributary drain shall be joined to another drain obliquely, at an angle of not less than one hundred and thirty-five degrees, in the direction of the flow of such other drain.

Angles.

¹Substituted for the words "eight feet to the inch" by sec. 125(1) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Substituted for the words "six inches" by sec. 125(2) (a), *ibid.*

³Substituted for the words "four inches" by sec. 125(2) (b), *ibid.*

[West Ben. Act

(Schedule XIV.—Rules as to drains, privies and urinals.—
Rules 5—8.)How to
be laid.

5. Every such house-drain shall be—

- (a) laid upon a bed of good concrete of such width as may be approved by the Commissioner and not less than ¹[one hundred and fifty millimetres] thick,
- (b) covered for half its depth with concrete not less than ²[one hundred millimetres] thick, and
- (c) so constructed as to have a proper fall.

Prohibition
of inlet
within
building.

6. Every such house-drain shall be so constructed as to prevent any inlet to the drain (other than such inlet as may be required from the apparatus of a connected-privy or urinal or a slop-sink constructed or adapted to be used for receiving sewage) being made within the premises.

Traps.

7. (1) In every such house-drain a suitable trap shall be provided.

(2) Such trap shall be placed at a point as near as may be practicable to the point at which the drain is connected with a municipal sewer, and—

- (a) within the premises, or,
- (b) with the approval of the Commissioner and on payment of such fees as may be prescribed by the Corporation, in the footpath or (if there is no footpath) in the roadway adjacent to the premises.

(3) Every inlet to any such house-drain (other than an inlet provided in pursuance of rule 8 as an opening for the ventilation of the drain) shall be properly trapped.

Ventila-
tion.

8. The ventilation of every such house-drain shall be provided for as follows :—

(1) At least two untrapped openings shall be made—

- (a) one opening shall be made at or near the level of the surface of the ground adjoining the opening, shall be as near as may be practicable to the trap prescribed by rule 7, sub-rule (1), shall be on that side of such trap which is nearer to the premises, and shall communicate with the drain by means of a suitable pipe, shaft or disconnecting chamber ;
- (b) the second opening shall be made by carrying up, from a point in the drain as far distant as may be practicable from the point at which the opening mentioned in sub-clause (a) is situated, a pipe or shaft fixed vertically to such height and in such manner as effectually to prevent any escape of foul air from such pipe or shaft into any premises in the vicinity thereof, and in no case to a less height than ³[three metres] ;

¹Substituted for the words "six inches" by sec. 125(3)(a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Substituted for the words "four inches" by sec. 125(3)(b), *ibid.*

³Substituted for the words "ten feet" by sec. 125(4)(a), *ibid.*

XXXIII of 1951.]

(Schedule XIV.—Rules as to drains, privies and urinals.—Rule 8.)

(2) in any case in which the Commissioner considers it impracticable to enforce the provisions of sub-clause (a) and sub-clause (b), the two openings prescribed by clause (1) shall be made as follows :—

(i) one opening shall be made by carrying up from a point as near as may be practicable to the trap prescribed by rule 7, sub-rule (1), a pipe or shaft fixed vertically to such height and in such manner as effectually to prevent any escape of foul air from such pipe or shaft into any premises in the vicinity thereof, and in no case to a less height than ¹[three metres]²; and such opening shall be situated on that side of the said trap which is nearer to the premises ;

(ii) the second opening shall be made at a point in the drain as far distant as may be practicable from the point at which the said pipe or shaft is carried up, shall be at or near the level of the surface of the ground adjoining the opening, and shall communicate with the drain by means of a suitable pipe or shaft ;

(3) every opening provided under this rule shall be furnished with a suitable grating or other suitable cover for the purpose of preventing any obstruction in, or injury to, any pipe or drain by the introduction of any substance through the opening ;

(4) such grating or cover shall be so constructed and fitted as to secure the free passage of air through it by means of a sufficient number of apertures, the aggregate extent of which shall be not less than the sectional area of the pipe or drain to which the grating or cover is fitted ;

(5) every pipe or shaft referred to in this rule shall be of a sectional area not less than that of the drain with which the pipe or shaft communicates and not less than the sectional area of a pipe or shaft of the diameter of ³[one hundred millimetres] ;

(6) except with the written permission of the Commissioner, no bend or angle shall be formed in any pipe or shaft referred to in this rule ;

(7) where the situation, height, sectional area and mode of construction of the soil-pipe of any connected-privy or connected-urinal, or the waste-pipe from any slop-sink situated within any premises, are such as are prescribed by this rule for a pipe or shaft for ventilating a drain, such soil-pipe shall, with the consent of the Commissioner, be deemed to provide the opening which, under this rule, is required to be provided by means of a pipe or shaft.

¹Substituted for the words "ten feet" by sec. 125(4)(b) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Substituted for the words "four inches" by sec. 125(4)(c), *ibid.*

[West Ben. Act

*(Schedule XIV.—Rules as to drains, privies and urinals.—
Rules 9, 10.)*

Soil pipe
of
connected
privy or
urinal or
slop-sink.

9. The soil-pipe of every connected-privy or connected-urinal or connected slop-sink constructed after the commencement of this Act or provided for a new building shall—

- (a) be at least ¹[one hundred millimetres] in diameter,
- (b) be fixed outside the privy or urinal or slop-sink or outside the building in which the privy or urinal or slop-sink is situated and be continued upwards without any diminution of its diameter,
- (c) be of such height and be so placed as to afford by means of the open end of the pipe, a safe outlet for sewer air,
- (d) whenever practicable, be so constructed as to avoid any bend or angle, and
- (e) be so constructed as to have no trap between the pipe and the drains with which the privy or urinal or slop-sink communicates, and no trap (other than such trap as necessarily forms part of the apparatus of the privy or urinal or slop-sink) in any part of the pipe.

Ventilation
of soil-pipe
of con-
nected-
privy or
urinal or
slop-sink
detached
from
building.

10. Where any such connected-privy or connected-urinal or connected slop-sink has no internal communication other than with the privy or urinal or slop-sink within the building, then—

- (a) if the distance between the privy or urinal or slop-sink and trap provided under rule 7, sub-rule (1), in the drain with which the privy or urinal or slop-sink communicates is not more than ²[three metres], no ventilation-pipe need be fixed in the soil-pipe ;
- (b) if the said distance is ³[three metres] or more than ³[three metres] but not more than ⁴[ten metres], a ventilation-pipe shall be fixed in the soil-pipe at a point as far distant as may be practicable from the trap provided under rule 7, sub-rule (1) ; and such pipe shall be placed vertically to such height and in such manner as effectually to prevent any escape of foul air from the pipe into any building in the vicinity thereof, and in no case to a less height than ⁵[three metres] and shall be of a sectional area not less than that of the drain with which it communicates, and not less than the sectional area of a pipe of the diameter of ⁶[ten centimetres] ;
- (c) if the said distance is more than ⁶[ten metres] the soil-pipe shall be ventilated in the manner prescribed by rule 8.

¹Substituted for the words "four inches" by sec. 125(5) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Substituted for the words "ten feet" by sec. 125(6)(a), *ibid.*

³Substituted for the words "ten feet" by sec. 125(6)(b) (i), *ibid.*

⁴Substituted for the words "thirty feet" by sec. 125(6)(b) (ii), *ibid.*

⁵Substituted for the words "four inches" by sec. 125(6)(b) (iii), *ibid.*

⁶Substituted for the words "thirty feet" by sec. 125(6)(c), *ibid.*

XXXIII of 1951.]

*(Schedule XIV.—Rules as to drains, privies and urinals.—
Rules 11—14.)*

11. (1) The following pipes in any new building, namely :—

**Waste-
pipes.**

(a) the waste-pipe from any bath-sink (not being a slop-sink constructed or adapted to be used for receiving sewage) or lavatory,

(b) the overflow-pipe from any cistern or from any safe under a bath or connected-privy or connected-urinal and

(c) every other pipe for carrying off waste water,

shall be taken through an external wall of the building and, may, if the Commissioner so directs, be provided with a suitable trap, and shall be so constructed as to discharge into the open air over a channel leading to a trapped gully-grating at least ¹[forty-five centimetres] distant from that end of the pipe from which the water issues.

(2) The waste-pipe in any such building from any slop-sink constructed or adapted to be used for receiving sewage shall be constructed so as to comply with such of the rules in this schedule as relate to the soil-pipe of a connected-privy or connected-urinal.

12. (1) Every open house-drain constructed after the commencement of this Act, or provided for a new building, for the purpose of discharging surface or sullage water, shall be constructed of brick masonry or concrete covered with a plaster containing not less than twenty-five *per cent.* of Portland cement or any other cement approved by the Commissioner or of natural or artificial stone, or of glazed half-round pipes.

**Open
house-
drains.**

(2) Every such open house-drain shall be connected with a municipal sewer through trapped inlets in the manner prescribed under this Act or under any rule or by-law made thereunder for other house-drains.

13. Type-plans for the construction of house-drains shall be prepared by the Corporation and kept open to the inspection of any applicant at the municipal office at all reasonable times without charge.

**Type-
plans.**

14. (1) Every house-drain which is situated in, alongside or under any street, and which has been or shall be constructed, whether at the charge of the Municipal Fund or not, for the sole use and benefit of, or which is continued for the sole use and benefit of, any premises adjoining or near to such street,—

shall be maintained and from time to time repaired, flushed, cleansed and emptied by the owner or occupier of such premises as the Commissioner may direct.

**Mainten-
ance of
house-
drains
kept up
for the
benefit
of certain
premises
only.**

(2) The Commissioner may, by written notice, require such owner or occupier, as the case may be—

(a) to repair, flush, cleanse or empty such house-drain, or

(b) to take such other action in respect of such house-drain as the Commissioner may deem necessary.

¹Substituted for the words "eighteen inches" by sec. 125(7) of the Calcutta Municipal (Second Amendment) Act, 1964 (Wes Ben. Act XVII of 1964).

*(Schedule XIV.—Rules as to drains, privies and urinals.—
Rules 15—17.)*

Mainten-
ance of
house-
drains
jointly
used by
two or
more
premises.

15. (1) Every house-drain whether constructed at the charge of the Municipal Fund or not which is jointly used for the drainage of two or more premises, shall be maintained and from time to time repaired, flushed, cleansed and emptied by the owners or occupiers of such premises as the Commissioner may direct.

(2) The Commissioner may, by written notice, require the said owners or occupiers, as the case may be, to carry out any work referred to in sub-rule (1), and the cost thereof, whether incurred by the said owners or occupiers or by the Corporation under section 560, sub-section (2), shall be paid by the said owners or occupiers in such proportion as the Commissioner may think fit.

Power to
Commissioner to
supervise
and re-
quire
alteration
of work of
laying
under-
ground
drain and
restriction
of con-
struction
of drain
beneath
buildings.

16. (1) When any underground drain, which is not a municipal drain, is being laid, the Commissioner may cause the work to be supervised and may, from time to time, by written notice to the person carrying out the work, require the making of any reasonable alteration or addition therein or thereto, or the abandonment of any part thereof, if such alteration, addition or abandonment appears to him to be necessary for ensuring the complete and satisfactory execution of the work.

(2) If any requisition under sub-rule (1) is not complied with, the Commissioner may stop the work and dismantle anything which has been done in contravention of such requisition, and the expenses of so doing shall be paid by the person to whom the requisition was addressed.

(3) Except with the written permission of the Commissioner and in conformity with such conditions as may be prescribed by the Corporation, either generally or specially in this behalf, no drain shall be constructed so as to pass beneath any part of a building.

Drains
passing
beneath a
building.

17. The following provisions shall be observed when any drain is constructed so as to pass beneath a building, namely :—

(1) the drain-pipe shall be of iron or such other material as the Commissioner may approve ;

(2) the drain shall be so laid as to leave, between the top of the drain at its highest point and the surface of the ground beneath the building, a distance of not less than the full diameter of the drain ;

(3) the drain shall be laid in a direct line throughout the whole distance beneath the building ;

(4) the drain shall be completely embedded in, and covered with, good and solid concrete at least ¹[one hundred and fifty millimeters] thick all round ;

¹Substituted for the words "six inches" by sec. 125(8) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

*(Schedule XIV.—Rules as to drains, privies and urinals.—
Rule 18.)*

- (5) adequate means for ventilating the drain shall be provided (where necessary) at each end of such portion thereof as lies beneath the building.

Privies and urinals.

18. (1) Every person who intends to construct any privy or urinal or to make any substantial additions to, or alterations in, any privy or urinal shall send to the Commissioner an application in such form (to be supplied to the applicant free of charge) as may be prescribed by the Commissioner.

*Plans of
privies
and
urinals
to be sub-
mitted to
Commis-
sioner. •*

(2) Such application shall be accompanied by—

- (a) a site-plan, in triplicate unless the Commissioner otherwise directs, drawn to a scale of not less than ¹[two metres and fifty centimetres to one centimetre] and showing all surroundings to a distance of ²[fifteen metres] from the privy or urinal, and
- (b) a detailed plan in triplicate of the privy or urinal with sections and cross-sections, drawn to a scale of ³[fifty centimetres to one centimetre] and showing—
 - (i) the means of ventilation,
 - (ii) (for connected-privies and connected-urinals only) the position and capacity of the reserve tank and flushing cistern,
 - (iii) (for connected-privies and connected-urinals only) the size and position of the anti-syphonage pipe, soil-pipe, ventilation pipe, water-pipe, syphon-trap, and other appurtenances,
 - (iv) the ground level and the floor level,
 - (v) all pipes and other appurtenances in connection with the filtered water-supply, and
 - (vi) any other particulars which may be prescribed by the Commissioner :

Provided that where any privy or urinal forms part of any building for which an application has been made under rule 50 of Schedule XVI the particulars required under this rule may be attached to such application.

¹Substituted for the words "twenty feet to the inch" by sec. 125(9)(a)(i) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Substituted for the words "fifty feet" by sec. 125(9)(a) (ii), *ibid.*

³Substituted for the words "four feet to the inch" by sec. 125(9)(b), *ibid.*

[West Ben. Act

(Schedule XIV.—Rules as to drains, privies and urinals.—Rules 19—21.)

Power to
commis-
sioner to
refuse to
sanction
service-
privy
or service-
urinal
which
will be a
nuisance.

19. The Commissioner may, for reasons to be recorded by him in writing and furnished to the applicant free of charge, refuse to grant permission to erect any service-privy or service-urinal, which will, in his opinion, be a nuisance.

Regula-
tion of
site of
service-
privies
and
service-
urinals.

20. (1) No service-privy or service-urinal exceeding ¹[three metres and thirty centimetres] in height shall be placed in the space required by this Act to be left at the back of a building.

(2) No service-privy or service-urinal situated in, or adjacent to, a building shall be placed at a distance of less than ²[one metre and eighty centimetres] from—

(i) any public building, or

(ii) any building which is, or is likely to be, used as a dwelling-place, or a kitchen or as a place in which any person is intended to be employed in any

Pages 602, 605—

*In Schedule XIV,—

(a) in sub-rule (3) of rule 20, omit the word “unfiltered”; instructed in

(b) in the proviso to sub-rule (4) of rule 30, omit the word “unfiltered”. her premises,

(Omitted by West Ben. Act XVII of 1965, section 6 and Schedule B.) ed and has an

[No. 2, dated the 1st May, 1970.] I be detached

Power to
Commis-
sioner to
require
substitu-
tion of
connected-
privies for
service-
privies
and con-
nected-
urinals for
service-
urinals.

21. (1) No service-privy or service-urinal shall be placed on any upper floor of a building :

Provided that the Commissioner with the approval of the Standing Committee may, by written order, authorise the owner of a building situated in a street which has not been sewered, to erect a service-privy or service-urinal, as the case may be, on any upper floor of the building.

(2) The Commissioner may, by written notice, require the owner of any building situated in a street, which has been sewered to convert any service-privy into a connected-privy and any service-urinal into a connected-urinal.

¹Substituted for the words “eleven feet” by sec. 125(10)(a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Substituted for the words “six feet” by sec. 125(10)(b), *ibid.*

XXXIII of 1951.]

(Schedule XIV.—Rules as to drains, privies and urinals.—
Rules 22—25.)

22. (1) If there is no convenient access from a street to any service-privy or service-urinal, and if the Commissioner considers it inexpedient to require that the privy or urinal be converted into a connected-privy or connected-urinal, as the case may be, he may, if he thinks fit, by written notice, require the owner of the privy or urinal to form a passage giving access thereto from a street.

Power to Commissioner to require owner to provide access to service-privy or service-urinals from street.

(2) Every notice served under sub-rule (1) shall require that such passage be formed at ground-level, be not less than ¹[one metre and twenty centimetres] wide, and be provided with a suitable door, and shall inform the said owner that the passage may, at his option, be either open to the sky or covered.

23. Models and type-plans of privies and urinals approved by the Corporation, with estimates of the cost of constructing privies and urinals in accordance therewith, shall be kept in the municipal office, and shall be open to inspection by any person at all reasonable times without charge; but no person shall be bound to construct any privy or urinal in accordance with any such model or type-plan if such privy or urinal be constructed in accordance with the other rules contained in this schedule.

24. (1) A drain shall be provided for every service-privy and every service-urinal.

Drains.

(2) Such drain shall be constructed of some impervious material and shall connect the floor of the privy or urinal—

- (a) with a drain communicating with a municipal sewer, or
- (b) if permitted by the Commissioner with an impervious cesspool the contents of which can be removed to a municipal sewer either by hand or by flow after filtration.

25. (1) The floor of every privy and every urinal shall—

Floor.

- (a) be made of one of the following materials, to be selected by the owner of the privy or urinal, that is to say, glazed tiles or vitrified or well-burnt earthen-tiles or mosaic, and
- (b) be in every part at a height of not less than ²[thirty centimetres] above the level of the surface of the ground adjoining the privy or urinal.

(2) The floor of every service-privy and every service-urinal shall have a fall or inclination of at least ³[one in twenty-four] towards the drain prescribed by rule 24.

¹Substituted for the words "four feet" by sec. 125 (11) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Substituted for the words "twelve inches" by sec. 125 (12) (a), *ibid.*

³Substituted for the words "half an inch to the foot" by sec. 125 (12) (b), *ibid.*

[West Ben. Act

*(Schedule XIV.—Rules as to drains, privies and urinals.—
Rules 26—29.)*

(3) The floor of every connected-privy and connected-urinal in which the opening of the pan is placed on the level of the floor shall have a fall or inclination towards the pan of at least ³[one in twenty-four].

Walls and
roof.

26. The walls and the roof (if any) of every privy and every urinal shall be made of such materials as may be approved by the Commissioner :

Provided that—

(a) in the case of service-privies and service-urinals, the entire surface of the walls below the platform shall either be rendered in cement or be made as prescribed in clause (a) of sub-rule (1) of rule 25.

(b) in the case of connected-privies and connected-urinals the walls shall, up to a height of at least ⁴[thirty centimetres] above the platform, be made as prescribed in clause (a) of sub-rule (1) of rule 25.

Platform.

27. The platform of every privy and every urinal shall be made of materials specified in clause (a) of sub-rule (1) of rule 25.

Ventila-
tion of
privies and
urinals
in or ad-
jacent to
buildings.

28. Every privy and every urinal situated in a building shall have opening of not less than ⁵[55 square metre] in area, in any one of the walls of the privy or urinal, as near the top of the wall as may be practicable and communicating directly with—

(a) in the case of a service privy or service urinal, the open air, and

(b) in the case of a connected privy or connected-urinal, the open air or with a corridor or a passage or a verandah.

Service-
privies and
urinals to
be provid-
ed with
a mov-
able re-
ceptacle
for
sewage.

29. (1) Every service-privy and service-urinal shall be provided with a movable receptacle for sewage.

(2) The following provisions shall have effect with regard to such privies, urinals and receptacles, namely :—

(a) the space beneath the platform of the privy or urinal shall be of such dimensions as to admit of a movable receptacle for sewage, of a capacity not exceeding ⁶[fifty-six thousand cubic centimetres] being placed and fitted beneath the platform in such manner and position as will effectually prevent the deposit, otherwise than in such receptacle, of any sewage falling or thrown through the aperture in the platform ;

⁵Substituted for the words "half an inch to the foot" by sec. 125 (12) (c) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

⁶Substituted for the words "twelve inches" by sec. 125 (13) *ibid.*

⁷Substituted for the words "six square feet" by sec. 125 (14), *ibid.*

⁸Substituted for the words "two cubic feet" by sec. 125 (15), *ibid.*

XXXIII of 1951.]

*(Schedule XIV.—Rules as to drains, privies and urinals.—
Rules 30—32.)*

- (b) the privy or urinal shall be so constructed as to afford adequate access to the said space for the purposes of cleansing it and of placing therein, and removing therefrom, a proper receptacle for sewage ;
- (c) the said receptacle shall be water-tight and shall be made of metal, well-tarred earthenware or glazed stoneware, and shall be of such construction and shape as the Commissioner may consider suitable ;
- (d) the door of the opening for the insertion and removal of the said receptacle shall be so made as completely to cover the said opening.

30. (1) Every connected-privy shall be provided with a suitable water-cistern, so arranged as—

- (a) to discharge direct into the pan of the privy not less than ¹[thirteen litres] of water each time the cistern is used, and
- (b) to prevent water being drawn from the cistern for any other purpose.

(2) All waste-pipes and overflow-pipes attached to such cistern shall terminate in the open air and be cut off from all direct communication with any drain.

(3) Every connected-urinal shall be provided with adequate flushing arrangements to the satisfaction of the Commissioner.

(4) For the purpose of supplying water to the flushing cistern of a connected-privy or connected-urinal a reserve tank of such capacity as may be prescribed by the Commissioner shall be provided at a height sufficient to supply the cistern with water, and in case the reserve tank is situated at such a height that it cannot be supplied direct from the street main, the owner of the premises shall provide a suitable pump and shall make all necessary arrangements to ensure a satisfactory supply of water to the reserve tank :

Provided that where the height of the building containing such privy or urinal does not exceed the number of ²[metres] for which the pressure of unfiltered water is required by or under this Act for that street, the provisions of this sub-rule so far as they relate to the providing of a suitable pump by the owner of the premises shall not be put into operation.

31. Every connected-privy and connected-urinal shall be provided with a pan of such form and dimensions as may be approved by the Commissioner.

32. Every connected-privy and connected-urinal shall be provided with an air-tight water-trap immediately below the pan.

Flushing
of con-
nected-
privies and
urinals.

Pan for
connected
privies and
urinals.

Water-
trap.

¹Substituted for the words "three gallons" by sec. 125 (16) (a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Substituted for the word "feet" by sec. 125 (16) (b), *ibid.*

[West Ben. Act

(Schedule XIV.—Rules as to drains, privies and urinals.—
Rules 33—37.)

Syphon-
trap and
anti-
syphonage
pipe.

33. (1) Every connected-privy and connected-urinal shall be provided with a syphon-trap which shall be proof against syphonage.

(2) In all cases where a connected-privy or connected-urinal is more than one storey high, an anti-syphonage pipe having an internal diameter of not less than ¹[fifty millimetres] shall be provided, and such pipe shall be carried independently to a height of at least ²[sixty centimetres] above the roof of the privy or urinal or the roof of the building in which such privy or urinal is situated.

Prohibition of
"containers"
and
"D traps".

34. No "container" or other similar fitting shall be placed under the pan of a connected-privy or connected-urinal; and no trap of the kind known as a "D trap" shall be used with any such privy or urinal.

Soil-pipe
for connected-
privies
and connected-
urinals.

35. (1) Every connected-privy and connected-urinal shall be provided with a soil-pipe for carrying sewage to a municipal sewer.

(2) Such soil-pipe shall be provided with air-tight joints, and if it be placed above ground, shall be made of metal approved by the Commissioner.

(3) Such soil-pipe shall, in addition to the trap prescribed by rule 32, be provided with a trap placed at some point between the privy or urinal and the sewer referred to in sub-rule (1).

(4) Such soil-pipe shall be ventilated by direct communication with the open air in the manner prescribed by the rules contained in the schedule; and, if the privy or urinal is situated in a building, the pipe shall be carried outside the building.

Connection
of privy or
urinal to
septic
tank in
unserved
streets.

36. A privy or urinal in any premises situated in a street which has not been sewered may be connected to a septic tank with proper arrangement for disposal of the effluent and sludge and constructed with the sanction of the Commissioner.

Enforcement of
the foregoing rules
in the case
of future
privies or
urinals.

37. If any new building which is a privy or urinal is so constructed as to contravene any of the provisions of this schedule, the Commissioner may (whether or not the offender be prosecuted under this Act) by written notice, require—

(a) the owner of the building to which the privy or urinal belongs, or

(b) (if the privy or urinal does not belong to a building) the owner of the land on which the privy or urinal stands,

to make such alterations as may be specified in the notice with the object of bringing the privy or urinal into conformity with the said provisions.

¹Substituted for the words "two inches" by sec. 125 (17) (a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Substituted for the words "two feet" by sec. 125 (17), (b), *ibid.*

XXXIII of 1951.]

(Schedule XV.—Rules as to the Regulation, Maintenance, Protection and Repair of Streets and Public Places.—Rules 1, 2.)

SCHEDULE XV.

RULES AS TO THE REGULATION, MAINTENANCE, PROTECTION AND REPAIR OF STREETS AND PUBLIC PLACES.

[See sections 352, 415(1), (e) and (f) and 537.]

Regulation, maintenance and protection of streets and public places.

1. (1) The Corporation shall cause any hedges belonging to it which border on any street or square to be trimmed or pruned to a height not exceeding ¹[two metres], and shall cause any trees belonging to it which overhang any public street, so as to obstruct the same or cause damage thereto, to be cut and trimmed.

Cutting of hedges and trees and power to Corporation to cause same to be cut.

(2) The Commissioner may, by written notice, require the owner or occupier of any land or building to trim or prune, to a height not exceeding ²[two metres], any hedges thereof bordering on any public street, or to cut and trim any tree appertaining to such land or building which overhangs any public street so as to obstruct the same or cause damage thereto.

(3) The Commissioner, if for the public safety it appears to him necessary to do so, may cause any hedge or tree referred to in sub-rule (2) to be trimmed, pruned or cut without previously giving notice to the owner or occupier of the land or building as required by that sub-rule, and the Commissioner may nevertheless require the expenses thereof to be paid by the said owner or occupier.

2. (1) If any tank overflows and causes erosion to any street, the Commissioner may give notice to the person in possession of such tank to stop such overflow within such time as may be specified in the notice and if such person does not comply with the terms of the notice, the Commissioner may cause such overflow to be stopped.

Overflow from tank causing erosion to street.

(2) No compensation shall be payable for such stoppage of overflow on the ground that a person having interest in the tank has suffered loss for such stoppage.

(3) The Commissioner may repair the street so eroded and the cost of such repair shall be payable by the person in possession of the tank.

¹Substituted for the words "seven feet" by sec. 126 (1) (i) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Substituted for the words "seven feet" by sec. 126 (1) (ii), *ibid.*

[West Ben. Act

(Schedule XV.—Rules as to the Regulation, Maintenance, Protection and Repair of Streets and Public Places.—Rules 3, 4.)

Regulation of verandahs, etc., projecting over streets.

3. (1) No verandah supported by pillars resting on a street shall be erected, either as a new structure or otherwise,—

(a) in any street, specified by the Corporation in that behalf, or

(b) if any street the width of which is less than ¹[fifteen meters] and the footpath (if any) of which is less than ²[two metres and forty centimetres] in width.

(2) No roof shall be placed on any verandah supported as aforesaid, and no roof exceeding ³[one metre] in width shall be placed on any verandah projecting over a street and not so supported.

(3) No person shall put up any verandah, balcony, sunshade, weather-frame or the like, to project over any street, without the written permission of the Commissioner.

(4) Subject to the provisions of sub-rule (1) and sub-rule (2), the Commissioner may give written permission, on such conditions as the Corporation may generally prescribe on this behalf and on payment of such fees or rent as may be fixed from time to time by the Corporation with the approval of the State Government, to owners or occupiers of buildings abutting on any street to put up verandahs, balconies, sunshades, weather-frames and the like, whether supported by pillars or not, to project from any building over such street :

Provided that no fee shall be charged for any verandah, balcony, weather-frame or the like when the same is situated in or over any street not vested in the Corporation.

(5) On the breach of any such condition, the Commissioner may, by written notice, require the owner or occupier of the said building to comply with such condition.

(6) At any time after permission has been given under sub-rule (4) to put up a verandah, balcony, sunshade, weather-frame or the like, to project from a building, the Commissioner with the approval of the Standing Committee may, by written notice, require the owner or occupier of the building to remove such projection ; and the owner or occupier shall be entitled to reasonable compensation out of the Municipal Fund on account of such removal.

Sky-signs.

4. (1) No person shall erect or maintain a sky-sign without the written permission of the Commissioner which shall not be granted unless the sign is so constructed and maintained as not to be dangerous to the public or likely to fall into any street or public place.

(2) Every written permission granted under sub-rule (1) shall continue in force for not more than one year from the date on which it was granted, and may be revoked at any time by the

¹Substituted for the words "fifty feet" by sec. 126 (2) (a) (i) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Substituted for the words "eight feet" by sec. 126 (2) (a) (ii), *ibid.*

³Substituted for the words "three feet" by sec. 126 (2) (b), *ibid.*

XXXIII of 1951.]

(Schedule XV.—Rules as to the Regulation, Maintenance, Protection and Repair of Streets and Public Places.—Rules 5—8.)

Commissioner if he considers that the sky-sign for which it was granted has become dangerous to the public or is likely to fall into a street or public place.

Execution of works in public streets.

5. (1) When any drain in, or the pavement or surface of, any public street is opened or broken up for the purpose of carrying on any work, or when any public street is under construction, the Commissioner shall cause the place to be fenced and guarded and to be sufficiently lighted during the night and shall take proper precautions for guarding against accident by shoring up and protecting adjoining buildings ;

Guarding and lighting when public street opened or broken up and speedy completion of work.

and shall, with all convenient speed, complete the said work, fill in the ground, and repair the said drain, pavement or surface, and carry away the rubbish occasioned thereby.

(2) No person shall, without lawful authority, remove any fence or shoring-timber, or remove or extinguish any light, set up under sub-rule (1).

6. (1) When any work referred to in rule 5 is being executed in any public street, or when any other work which may lawfully be done is being executed in any street, the Commissioner may direct that such street shall, during the progress of such work be either wholly or partially closed to traffic generally or to traffic of any specified description.

Power to Commissioner to prevent or restrict traffic in street during progress of work.

(2) When any such direction has been given, the Commissioner shall set up in a conspicuous position in or near the street an order prohibiting traffic to the extent so directed, and shall fix such bars, chains or posts across or in the street as he may think proper for preventing or restricting traffic therein.

(3) No person shall, without lawful authority, infringe any such order or remove any such bar, chain or post.

Naming of public streets and numbering of premises.

7. (1) The Corporation shall from time to time cause to be put up or painted, in a durable manner, on a conspicuous part of some building, wall or place, at or near each end, corner or entrance of every public street, such name as the Corporation may from time to time determine under section 349, sub-section (2), as the name by which such street is to be known.

Posting of street names.

(2) No person shall, without lawful authority, destroy, pull down, or deface any such name, or put up any name different from that put up by order of the Corporation.

8. (1) The Corporation shall from time to time cause all premises in or near each public street to be numbered separately and shall cause their respective numbers to be affixed in conspicuous places outside such premises at or near the entrances thereto.

Numbering of premises.

[West Ben. Act

(Schedule XV.—Rules as to the Regulation, Maintenance, Protection and Repair of Streets and Public Places.—Rule 9. —Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rule 1.)

(2) It shall be the duty of every Borough Committee to draw the attention of the Corporation to any failure in complying with the provisions of sub-rule (1) in respect of premises within the borough.

(3) No person shall, without lawful authority, destroy, pull down or deface any such number, and no person shall affix to any such premises a different private number of the same design as such number.

Commissioner to keep a register of premises.

9. The Commissioner shall keep a register of all alterations made by the Corporation in the names of streets and in the numbers of the houses therein and such register shall be kept in such a form as to show the date of every such alteration and the name of the street and the number of the premises previous to such alteration, as well as the new name of the street and the new number of the premises. It shall be lawful for any person to inspect such register and to take a copy of any portion thereof upon payment of such reasonable fee as the Corporation may from time to time determine.

SCHEDULE XVI.

RULES AS TO THE USE OF BUILDING-SITES AND THE EXECUTION OF BUILDING-WORK.

(See sections 376, 387, 388, 414 (1) and (5), 415(1)(g), 537, 543 and 544.]

Part I.—Building-sites.

Conditions as to use of building-sites.

1. No piece of land shall be used as a site for the erection of a building,—

- (1) if the building is to abut on a street, unless the site is of such a shape that the face of the building can be made parallel to the line of the street, or as nearly parallel to the said line as the Commissioner may consider practicable; and
- (2) if the site is within ¹[ten metres] of a tank, unless the owner takes, or satisfies the Commissioner that he will take such action as will prevent any risk of the drainage of the building passing into the tank; and
- (3) if the site is a filled-up tank, or has been filled up with, or used for depositing rubbish, offensive matter or sewage, unless the Commissioner has caused the site to be examined and granted a certificate to the effect that it is, from sanitary and engineering points of view, fit to be built upon; and

¹These words were substituted for the figures and word "30 feet" by sec. 127 (1) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 2, 3.)

- (4) if the building to be erected is a public building, a dwelling-house or a hut intended for human habitation, unless the site is certified by the Commissioner to be dry and well-drained, or unless the Commissioner is satisfied that it is capable of being well-drained and that the owner will take the necessary steps to drain it.

2. (1) Any person who intends to erect any building upon a site on which a building has been previously erected, whether before or after the commencement of this Act, may, before commencing to erect his intended building, cause to be prepared plans showing the extent of the previously existing building in its several parts (or in the event of such building having been taken down before the commencement of this Act, or having been accidentally destroyed, the best plans available under all the circumstances of the case), and may cause such plans to be submitted to the Commissioner who shall (if reasonably satisfied with the evidence of their accuracy) certify the same; and such certificate shall, for the purposes of these rules, be taken to be conclusive evidence of the correctness of the plans.

Certificate as to correctness of plans of a previously existing building and fees therefor.

(2) The Commissioner when granting a certificate under this rule may charge such fees, not exceeding ten rupees for any one building as may be prescribed by the Corporation.

Part II.—Buildings generally.

3. (1) If a building is situated at the side of a street, no portion of the building, except open or balustraded parapets not more than ¹[one metre and twenty centimetres] high, shall intersect any of a series of imaginary lines drawn across the street at an angle of fifty-three degrees with the horizontal, such lines being drawn from the side of the street which is the more remote from the building in question, from a height of ²[sixty centimetres] above the centre of the street:

Height.

Provided as follows :—

- (i) where the said street is joined at an angle by another street facing the building, or where the street in which the building is situated terminates in front of the building, the height of that portion of the building which is opposite the street facing it measured from ³[sixty centimetres] above the centre of the street, shall, in the former case, not exceed the height which would be permissible if the building abutted on or

¹These words were substituted for the words "four feet" by sec. 127 (2)(A) (a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "two feet" by sec. 127(2)(A) (b), *ibid.*

³These words were substituted for the words "two feet" by sec. 127(2)(A)(c) (s), *ibid.*

[West Ben. Act

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rule 3.)

were situated on the side of a street equal in width to the width of the street on which it abuts or on the side of which it is situated plus half the width of the street facing it, and in the latter case, the height of the building shall not exceed the height which would be permissible if the building abutted on or were situated on the side of a street one-and-a-half times the width of the street terminating in front of it ;

- (ii) where the said street exceeds ¹[eighteen metres] in width, the said angle shall be fifty-six-and-a-half degrees instead of fifty-three degrees; and
- (iii) no building exceeding ²[thirty-six metres] in height shall be erected without the special permission of the Corporation, who, in granting such permission, may impose such conditions as the Corporation may think proper for the safety of the public and the safety and convenience of persons occupying the building.

Explanation.—If a building be placed at the end of the street, its height, measured from ³[sixty centimetres] above centre of the street and excluding the parapets as aforesaid shall not exceed—

- (a) one and one-third times the average width of the street facing the site in case the width of the street is less than ⁴[eighteen metres] and
- (b) one and a half times the average width of the street facing the site in case the width of the street is ⁵[eighteen metres] or more :

Provided that if the building or one or more of its storeys be set back the height of the building may be increased, subject to the condition that no portion of the building after the height is increased intersects any of the aforesaid lines.

(2) In the case of a new building erected on any portion of the site of the whole or part of a building in existence at the commencement of this Act, the angle at which the lines referred to in sub-rule (1) are to be drawn shall be fifty-six-and-a-half degrees instead of fifty-three degrees.

¹These words were substituted for the words "sixty feet" by sec. 127(2)(A) (c) (ii) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "one hundred and twenty feet" by sec. 127(2)(A)(c)(iii), *ibid.*

³These words were substituted for the words "two feet" by sec. 127(2)(A) (d)(i), *ibid.*

⁴These words were substituted for the words "sixty feet" by sec. 127(2)(A) (d) (ii), *ibid.*

⁵These words were substituted for the words "sixty feet" by sec. 127(A)(d) (iii), *ibid.*

XXXIII of 1951.]

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rule 3.)

(3) Notwithstanding anything contained in sub-rule (1) or sub-rule (2), the Corporation may, by order published in the *Official Gazette*, declare that, in any street or portion of a street, not less than ¹[five metres] in width, which is specified in the order, the erection of two-storeyed buildings not exceeding ²[eight metres and fifty centimetres] in height excluding ³[sixty centimetres] for the plinth and excluding open or balustraded parapets not more than ⁴[one metre and twenty centimetres] high, will be permitted without complying with the requirements of those sub-rules.

(4) If a building is situated on a corner plot so as to abut upon more than one street, the narrower of such streets shall, for the purpose of regulating the height of the building, be deemed to be of the same width as the wider street—

(a) to a distance of ⁵[seventeen metres] from such wider street, if the narrower street is less than ⁶[five metres] in width, and

(b) to a distance of ⁷[twenty-three metres] from such wider street, if the narrower street is not less than ⁸[five metres] in width.

(5) Notwithstanding anything contained in sub-rules (1), (2) or (4),—

(a) a building of not more than one-storey and not exceeding ⁹[three metres and fifty centimetres] in height (excluding ¹⁰[sixty centimetres] for the plinth) above the centre of the street, and

¹These words were substituted for the words "twelve feet" by sec. 127(2)(B) (a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "twenty-eight feet" by sec. 127(2)(B)(b), *ibid.*

³These words were substituted for the words "two feet" by sec. 127(2)(B) (c), *ibid.*

⁴These words were substituted for the words "four feet" by sec. 127 (2) (B)(d), *ibid.*

⁵These words were substituted for the words "fifty-five feet" by sec. 127(2)(C)(a)(i), *ibid.*

⁶These words were substituted for the words "twelve feet" by sec. 127 (2)(C)(a)(ii), *ibid.*

⁷These words were substituted for the words "seventy-five feet" by sec. 127(2)(C)(b)(i), *ibid.*

⁸These words were substituted for the words "twelve feet" by sec. 127(2)(C) (b)(ii), *ibid.*

⁹These words were substituted for the words "twelve feet" by sec. 127 (2) (D)(a) (i), *ibid.*

¹⁰These words were substituted for the words "two feet" by sec. 127(2)(D) (a)(ii), *ibid.*

[West Ben. Act

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 4, 5.)

- (b) if, in any street which is less than ¹[five metres] in width, the owner of any building-site abutting on the street makes a free gift to the Corporation of all land comprised with such site, which falls within ²[two metres and fifty centimetres] of the centre line of such street, then a two-storeyed building not more than ³[eight metres and fifty centimetres] high,

may be erected without complying with the requirements of the said sub-rules.

(6) For the purposes of clause (b) of sub-rule (5) of this rule ⁴[clause (b) of sub-rule (4) of rule 30 and rule 35A]—

(a) the Commissioner may prescribe a centre line for any street which is less than ⁵[five metres] in width, and

(b) when such centre line has been prescribed, the side of the street shall, for the purposes of sub-rule (1), be deemed to be an imaginary line drawn ⁶[two metres and fifty centimetres] from such centre line.

(7) If a building is situated on a corner plot so as to abut upon more than one public street, the corner of the building shall be splayed ⁷[two metres and forty centimetres] on either side.

Level of floor.

4. The floor or lowest floor of every new building erected from the ground-level shall be constructed at such level as will admit of—

(a) the construction of a drain sufficient for the effectual drainage of the building and placed at such level as will admit of the drainage being led into some municipal sewer at the time existing or projected, and

(b) the provision of the requisite communication with some sewer into which the drainage may lawfully be discharged at a point in the upper half of such sewer or with some other means of drainage into which the drainage may lawfully be discharged.

Provision of fire-escapes, staircases and lift in certain buildings.

5. (1) All public buildings and all buildings of the warehouse class, and where the Commissioner deems it necessary, all buildings of four or more storeys, shall be provided with adequate

¹These words were substituted for the words "twelve feet" by sec. 127(2)(D)(b)(i) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "six feet" by sec. 127(2)(D)(b)(i), *ibid.*

³These words were substituted for the words "twenty-eight feet" by sec. 127(2)(D)(b)(iii), *ibid.*

⁴These words were substituted for the words "and clause (b) of sub-rule (4) of rule 30" by sec. 127(2)(L)(a), *ibid.*

⁵These words were substituted for the words "twelve feet" by sec. 127(2)(E)(b), *ibid.*

⁶These words were substituted for the words "six feet" by sec. 127(2)(E)(c), *ibid.*

⁷These words were substituted for the words "eight feet" by sec. 127(2)(F), *ibid.*

XXXIII of 1951.]

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rule 5A.)

means of escape in case of fire, to the satisfaction of the Commissioner and shall also be provided with such number of staircases as the Commissioner may require.

(2) The Commissioner may, ¹* * * * by written notice, require the owner of a new building, more than ²[eighteen metres] in height or comprising five or more storeys, erected after the commencement of this Act, to provide a lift or some other similar mechanical contrivance for carrying persons from one floor to another ³[according to specifications given in the notice].

*5A. (1) The owner of any public or domestic building or building of the warehouse class exceeding in cubical extent eight thousand and five hundred cubic metres shall, if the building is erected within the special parking zone described in sub-rule (6), provide for parking space within the premises containing such building at ten *per cent.* of the covered floor area of such building or at seventy-five *per cent.* of the ground areas of the premises, whichever is less.

Provision of space for parking vehicles within the premises of certain buildings.

(2) In the event of a subdivision of such building or premises the parking space shall continue to be provided for each subdivided portion at the percentage referred to in sub-rule (1).

(3) The parking space shall be provided for in such manner as, in the opinion of the Commissioner, is sufficient for easy parking of automobile motor cars.

(4) The parking space shall include passage and such passage shall not be less than two metres and fifty centimetres in width in any part.

(5) The parking space shall have an access to and from a public street and, if covered, shall have a clear height to the soffit of beams of not less than two metres and thirty centimetres.

(6) The special parking zone shall be the area bounded by the southern boundary of Ward No. 26 from the river Hooghly and then along Canning Street, Kalutola Street (including the premises on those streets) to its junction with College Street, then along College Street, Nirmal Chunder Street, Rafi Ahmed Kidwai Street, Wood Street (including the premises on those streets), to its junction with Theatre Road and then along Theatre Road (including the premises thereon), to its junction with Chowringhee Road, and then along Chowringhee Road to its junction with Dhurmatola Street and Esplanade Row East, and then along Esplanade Row East to its junction with Government Place East, and then along Government

¹The words "in accordance with such rules as may be made by the Corporation" were omitted by sec. 127(3)(i) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "sixty feet" by sec. 127(3)(b), *ibid.*

³These words were added by sec. 127(3)(c), *ibid.*

⁴This rule 5A was inserted by sec. 127 (4), *ibid.*

[West Ben. Act

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 6—8.)

Place East to its junction with Government Place North, and then along Government Place North to its junction with Government Place West, and then along Government Place West to its junction with Esplanade Row West, and then along Esplanade Row West and along the southern ward boundary of Ward No. 38 to the river Hooghly and then along the river Hooghly to its junction with the southern boundary of Ward No. 26.

Certain buildings not to be erected within two metres of a service-privy.

Prohibition of use of inflammable materials for roofs or external walls.

6. No new public building or new building which is, or is likely to be, used as a dwelling-place or a kitchen or as a place in which any person is, or is intended to be, employed in any manufacture, trade or business shall be erected within ¹[two metres] of any service-privy or service-urinal.

7. (1) External roofs or walls of buildings shall not, after the commencement of this Act, be made of grass, leaves, mats, canvas or other inflammable materials.

(2) The Commissioner may, by written notice, require the owner of any building situated within a distance of ²[ten metres] from any other building, and having at the commencement of this Act an external roof or wall made of any such inflammable material, to remove or alter such roof or wall.

(3) Sub-rules (1) and (2) shall not apply to bamboo shingle or wood or to any garden hut, orchid house, fernery or other similar structure within a compound, unless in any particular case the Commissioner considers any such structure to be dangerous.

Part III.—Masonry buildings generally.

Founda-
tion.

8. (1) The foundation of masonry buildings shall rest on solid ground or on wooden or concrete pile, raft or well-curb or such other treatment of the ground as the Commissioner may approve.

(2) Except with the sanction of the Commissioner, the spread of the foundation shall be such that the pressure of the soil taking into account the load on the floors and terrace-roof (if any) referred to in rules 15 and 17 shall not be greater than ³[eleven thousand kilograms on the square metre].

(3) The levels of the foundation shall be such as the Commissioner may consider satisfactory.

¹These words were substituted for the words "six feet" by sec. 127(5) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "thirty feet" by sec. 127(6), *ibid.*

³These words were substituted for the words "one ton on the square foot" by sec. 127(7), *ibid.*

XXXIII of 1951.]

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 9—14.)

9. The plinth of a masonry building, except in the case of motor garages and coach-houses, shall be at least ¹[sixty centimetres] above the level of the centre of the nearest street :

Plinth.

Provided that the plinth of stables and cow-sheds may be ²[thirty centimetres] above such level.

10. Every wall of a masonry building shall be constructed so as to rest upon reinforced concrete raft or upon proper footings having regular offsets and on each side of the wall a horizontal spread (equal on each side) of not more than one-half the height of the footings, provided that when an adjoining wall interferes the footings may, subject to the provisions of rule 8, sub-rule (2), be omitted, where that wall adjoins,

Footings
for walls.

11. The outer walls of a masonry building shall be constructed of brick or some similar hard and incombustible substance.

Outer
walls.

12. All walls of masonry building shall be properly bonded.

Bonding
of walls.

13. (1) Every wall of a masonry building shall have a damp-proof course at the level of the ground floor.

Damp-
proof
course.

(2) Such damp-proof course may consist of sheet-lead, asphalt, slates laid in cement, vitrified bricks or any other durable material impervious to moisture.

³14. In every masonry building—

Walls
in masonry
building.

(a) every wall shall be solidly put together with—

(i) cement, or

(ii) lime, or

(iii) mortar compounded with cement and sand or other suitable materials, or

(iv) mortar compounded with lime and sand or other suitable materials ;

(b) the proportions of the materials forming such mortar shall be such as are approved by the Commissioner in conformity with the following standards, namely :—

(i) lime mortar for brick work for strength of bearing load of forty-four thousand kilograms per square metre—three measures of *surki* and one measure of lime ; and

¹These words were substituted for the words "two feet" by sec. 127(8)(a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "one foot" by sec. 127(8)(b), *ibid.*

³This rule 14 was substituted for the existing rule 14 by sec. 127(9), *ibid.*

[West Ben. Act

(Schedule XVI.—Rules as to the use of Buildings-sites and the execution of Building-work.—Rule 14.)

- (ii) cement mortar for brick work for strength of bearing load of eighty-eight thousand kilograms per square metre—four measures of sand and one measure of cement ;
- (c) no part of any wall, other than a cornice or moulding, shall overhang any part of a wall underneath it ;
- (d) (i) every load bearing wall if it is a building other than a public building or a building of the warehouse class shall have minimum thickness of the wall in brick as per table below unless it is a framed or composite building. In no case, however, the load on the brick work including its own weight shall exceed the strength of bearing load as given in this rule :—

Storey above Ground level.	Height of wall in Metres above Plinth level.		Length of wall in Metres.	Thickness of wall in Centimetres.						
	Exceeding	Not exceeding		Base-ment floor.	Ground floor.	First floor.	Second floor.	Third floor.	Fourth floor.	Fifth floor.
1	...	8'5	Any length	30	30	...	...	...	...	...
1	8'5	5'0	Ditto	40	30	...	...	...	...	...
1	5'0	6'5	Ditto	50	40	...	...	...	...	...
2	...	6'5	Up to 10	30	20	20	...	...	...	...
2	...	6'5	Over 10	40	30	20	...	...	...	...
2	6'5	9'5	Up to 10	40	30	30	...	...	...	...
2	6'5	9'5	Over 10	50	40	30	...	...	...	...
3	...	10'0	Up to 10	40	30	20	20	...	...	...
3	...	10'0	Over 10	50	40	30	20	...	...	...
3	10'0	13'5	Up to 10	50	40	30	30	...	...	...
3	10'0	13'5	Over 10	60	50	40	30	...	...	...
4	...	13'5	Up to 10	50	40	30	30	20	...	...
4	...	13'5	Over 10	60	50	40	30	30	...	...
4	13'5	16'0	Up to 10	60	50	40	30	30	...	...
4	13'5	16'0	Over 10	70	60	50	40	30	...	...
5	...	16'5	Up to 10	60	50	40	30	30	30	...
5	...	16'5	Over 10	70	60	50	40	30	30	...
5	16'5	23'0	Up to 10	70	60	50	40	30	30	...
5	16'5	23'0	Over 10	80	70	60	50	40	30	...
6	...	20'0	Up to 10	70	60	50	40	30	30	30
6	...	20'0	Over 10	80	70	60	50	40	30	30
6	20'0	27'5	Up to 10	80	70	60	50	40	40	30

XXXIII of 1951.]

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rule 14.)

- (ii) every load bearing wall if it is a public building, or a building of the warehouse class, shall have a minimum thickness of the wall in brick as per table below, unless it is a framed or composite building. In no case, however, the load on the brick work including its own weight shall exceed the strength of bearing load as given in this rule :—

Height of wall in Metres.			Length of wall in Metres.			Thickness in Centimetres.
Exceeding	Not	Exceeding.	Exceeding	Not	Exceeding.	
...	7.5		Unlimited			80
7.5	9.0		...	14.0		80
7.5	9.0	11.0	...			40
9.0	12.0		...	9.0		80
9.0	12.0	9.0	14.0			40
9.0	12.0	14.0				50
12.0	15.0		...	9.0		50
12.0	15.0	9.0	14.0			60
12.0	15.0	14.0				70
15.0	18.0		...	14.0		60
15.0	18.0	14.0				70

- (iii) the building, if it is a building other than a building of the warehouse class and exceeds 22 metres in height or if it is a building of the warehouse class and exceeds 18 metres in height shall be in steel or reinforced concrete frame ;
- (e) every wall of thickness up to twenty-six centimetres which is exposed to external air shall be set, laid and plastered with mortar mixed with waterproof compound ;
- (f) every wall of a masonry building which is exposed to external air shall in no case be less than twenty centimetres in thickness ;
- (g) the Commissioner may, where he considers necessary, suitably relax and adjust the specifications in this rule regarding thickness of walls subject to certification in each case by the City Architect as to structural safety.

Explanation.—In this rule the expression ‘cement’, ‘lime’, ‘sand’ or ‘surki’, means such cement, lime, sand or *surki* as conforms to the standard and quality specified by the Indian Standards Institution or, where such is not available, by the relevant British Standards Specification up to 1948 other than those specified in this Act.

The code of practice for steel, reinforced concrete and other masonry works will be the same as that of the Indian Standards Institution or, where such is not available, by the relevant British Standards Specification, other than those specified in this Act.

[West Ben. Act

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rule 15.)

Floors,
etc.

15. (1) Floors, beams, columns, piers, walls and foundation of every masonry building shall be so constructed as to bear safely the maximum load to be carried.

(2) (a) For the purpose of calculating the total load on slab, beam, columns, piers, walls and foundation, the minimum superimposed load on each floor and roof shall be estimated as equivalent to the following dead load :—

Class No.	Type of building.	Load on slab.	Load on beams, columns, piers, walls and foundation
		Kilogram per square metre. kgs.	Kilogram per square metre. kgs.
1.	Rooms used for domestic purposes, hotel, bedroom, hospital rooms and wards.	244	195
2.	Office floors ...	390	298
3.	Churches, school, reading room, art galleries.	390	342
4.	Retail shop and garages for cars of not more than 7000-kilograms dead weight.	390	390
5.	Assembly hall, light workshop, public place in hotel, staircases and landings, cinema and theatres, restaurant and grand stand.	488	488
6.	Warehouse, book-store, stationery and similar store.	976	976

(b) For the purpose of calculating the total load to be carried on columns, piers, wall or foundation in a building of more than three storeys in height, an allowance in accordance with the following table may be given :—

Next storey below top-most storey—10 per cent. reduction of the superimposed load.

Next storey below—20 per cent. reduction of the superimposed load.

Next storey below—30 per cent. reduction of the superimposed load.

Next storey below—40 per cent. reduction of the superimposed load.

Each succeeding storey—50 per cent. reduction of the superimposed load.

¹This table was substituted for the existing table by sec. 127(10)(a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 16—20.)

No reduction is allowable on floor scheduled for a superimposed load of ¹[488 kilograms per square metre] or over.

(c) All buildings except those indicated below shall be designed to resist a wind pressure of not less than ²[73 kilograms per square metre] upon the upper two-thirds of the vertical projection of the surface of such building with an additional pressure of ³[49 kilograms per square metre] on all projection above general roof level. Wind pressure may be neglected in the case of a building having a height of less than twice its width.

(d) The owner of a building scheduled for an applied loading exceeding ⁴[488 kilograms per square metre] shall exhibit a notice stating the actual superimposed load for which the floors are designed.

16. (1) All beams and girders in a masonry building shall be supported by a breadth of brick-work, stone or other solid substance sufficient to secure their stability.

Beams and girders.

(2) The bearing of a beam or girder on a wall shall not, without the sanction of the Commissioner, be less than three-fourths of the thickness of the wall.

17. Terrace-roofs shall be constructed to withstand such load, not less than ⁵[one hundred and ninety-five kilograms on the square metre] in addition to their own weight, as may be specified by the Commissioner.

Terrace roofs.

18. Notwithstanding anything contained in this schedule, a boundary wall may be erected on the boundary site to any height which the Commissioner may think fit and proper in the special circumstances of the case.

Power to Commissioner to regulate height of boundary wall.

19. Not less than three days before any person commences to erect a new building (other than a hut) the owner of the building shall send to the Commissioner a written notice specifying the date on which it is proposed to commence the work.

Notice to be sent to Commissioner before commencing work.

20. Within one month after the completion of the erection of a new building (other than a hut)—

Notice after completion of work.

(a) the owner of the building shall send to the Commissioner a written notice of the fact of such completion ; and

¹These words were substituted for the words "100 pounds per square foot" by sec. 127(10)(i) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "15 pounds per square foot" by sec. 127 (10) (c) (i), *ibid.*

³These words were substituted for the words "10 pounds per square foot" by sec. 127 (10) (c) (ii), *ibid.*

⁴These words were substituted for the words "100 pounds per square foot" by sec. 127 (10) (d), *ibid.*

⁵These words were substituted for the words "forty pounds on the square foot" by sec. 127 (11), *ibid.*

[West Ben. Act

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 21, 22.)

- (b) the licensed building surveyor employed under rule 53 to supervise the erection of the said building, shall sign and send to the Commissioner a true certificate in the following form :—

“Building Completion Certificate.

(See Schedule XVI, rule 20.)

I do hereby certify that the following building-work (here insert full particulars of the work) has been supervised by me and has been completed to my satisfaction ; that the workmanship and the whole of the materials used are good; and that no provision of the Calcutta Municipal Act, 1951, or of the rules and by-laws made thereunder, and no requisition made, condition prescribed or order issued under the said Act, rules or by-laws has been transgressed in the course of the work.”

Inspection
of masonry
buildings
by Commis-
sioner.

21. The Commissioner may,—

- (a) at any time during the erection of any new building (other than a hut), or
- (b) within one month after the receipt of the notice of the certificate sent under rule 20 with respect to any such building, or
- (c) if no such notice or certificate has been received, at any time after the building has been erected,

inspect such building, without giving previous notice of his intention to do so.

Power to
Commissioner to
take
action after
making
inspection.

22. (1) If, on making any inspection under rule 21, the Commissioner finds that the building inspected is being or has been erected—

- (a) otherwise than in accordance with the plans thereof which he has approved, or
- (b) in such a way as to contravene any of the provisions of this Act or any rules or by-laws made thereunder,

he may, by written notice, require the owner of the building either—

- (i) to make such alterations as may be specified in the notice with the object of bringing the work into conformity with the said plans or provisions, or

- (ii) to appear before him and show cause why such alterations should not be made.

(2) If such owner does not appear and show cause under clause (ii) of sub-rule (1), he shall be bound to make the alterations specified in such notice.

XXXIII of 1951.]

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 23—25.)

(3) If such owner appears and shows cause under clause (ii) of sub-rule (1), the Commissioner shall, after hearing him, either—

- (a) cancel the notice issued under sub-rule (1), or
- (b) confirm the same, subject to such modifications (if any) as he may think fit.

Part IV.—Dwelling houses and other domestic buildings.

23. The total area covered by all the buildings on any site used for a dwelling-house shall not exceed two-thirds, or, in localities where the erection of only detached buildings is allowed, one-half, of the total area of the site, and the area not so covered shall form part of the site:

Proportion of site for dwelling-house which may be built upon.

Provided that the Commissioner ¹* * * * may permit—

- (a) an area not exceeding 75 per cent. of the total area of the building site, to be covered, in case the site is situated in a locality other than localities where erection of only detached building is allowed and abuts at the junction of two streets each of which is not less than ²[five metres] in width throughout the length of the site abutting on it, or
- (b) an excess area not exceeding 5 per cent. of the total area of the site, to be covered, in case the site is situated in a locality in which the erection of detached building is allowed.

24. In the case of detached buildings, servants' houses, stables and other out-offices within the area of the site shall not be of more than two storeys or exceed ³[eight metres] in height or ⁴[six metres] in depth, and shall not be placed on more than two sides of the dwelling-house or within ⁵[eight metres] of the dwelling-house,

Servants' houses, stables, etc.

25. Every room in a domestic building which is intended to be used as an inhabited room—

- (a) shall be in every part not less than ⁶[three metres] in height, measured from the floor to the underside of the beam on which the roof or ceiling rests;

Size and ventilation of inhabited rooms.

¹The words "with the approval of the standing Committee" were omitted by sec. 127 (12) (a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964.).

²These words were substituted for the words "12 feet" by sec. 127 (12) (b), *ibid.*

³These words were substituted for the words "twenty-four feet" by sec. 127 (13) (a), *ibid.*

⁴These words were substituted for the words "twenty feet" by sec. 127 (13) (b), *ibid.*

⁵These words were substituted for the words "ten feet" by sec. 127 (14) (a), *ibid.*

[West Ben. Act

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 26, 27.)

- (b) shall have a clear superficial area of not less than ¹[7·5 square metres].
- (c) shall have, for purposes of ventilation,—
- (i) windows opening directly into the external air or into an open verandah and having an opening of not less than one-fifteenth of the floor-area of the room, and
- (ii) an aggregate opening of not less than one-seventh of the floor-area of the room, to be provided by windows, or windows and doors, opening directly into the external air or into an open verandah; and
- (d) shall, if such room has a cubical area of ²[eighty-five cubic metres] or less, be provided, for every ³[seventeen cubic metres] capacity or fraction thereof, with one or more ventilating openings aggregating not less than ⁴[fifteen hundred square centimetres] in area, near the ceiling and opening directly into the external air or into an open verandah :

Provided that the Commissioner * * * * may relax the provisions of clause (a) and clause (d) :

Provided further that the provisions of clauses (c) and (d) shall not apply to air-conditioned rooms.

Floor of inhabited room over stable, cattle-shed or cow-house.

26. Every room in a domestic building which is intended to be used as an inhabited room, and which is constructed over a stable, cattle-shed or cow-house, shall be separated from the stable, cattle-shed or cow-house by a floor of concrete or other impermeable material.

Lighting and ventilation of stair-

27. In every domestic building constructed or adapted to be occupied in flats or tenements, the principal common staircase serving two suites per floor shall have a width of not less than ⁵[one metre and fifty centimetres] in every flight. For every additional suite in a floor to be served by the common staircase,

¹These words were substituted for the words 'eighty square feet' by sec. 127 (14) (b) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "three thousand cubic feet" by sec. 127 (14) (c) (i), *ibid.*

³These words were substituted for the words "six hundred cubic feet" by sec. 127 (14) (c) (ii), *ibid.*

⁴These words were substituted for the words "one-and-a-half square feet" by sec. 127 (14) (c) (iii), *ibid.*

⁵The words "with the approval of the Standing Committee" were omitted by sec. 127 (14) (c) (iv), *ibid.*

⁶These words were substituted for the words "four and a half feet" by the 127 (15) (a), *ibid.*

XXXIII of 1951.]

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 28, 29.)

its width shall be increased by ¹[fifteen centimetres]. Every such common staircase shall be adequately lighted and ventilated by windows of not less than ²[one square metre] in area per storey.

28. The ground floor of every domestic building shall be covered throughout, at the height of the plinth, with some impermeable material approved by the Commissioner, unless such floor be supported on beams and has a free air-space beneath it.

Ground floor.

29. (1) The minimum superficial area of every courtyard of a dwelling-house shall be one-fourth of the aggregate floor-area of the rooms and verandahs on the ground floor abutting on the courtyard :

Courtyard of dwelling-house.

Provided that, in determining the said aggregate floor-area—

- (i) only one-half of the floor-area of such rooms and verandahs as abut on another courtyard or on the open space prescribed under rule 30, or rule 32, and
- (ii) no portion of the floor-area of such rooms and verandahs as abut on a street not less than ³[five metres] in width,

shall be taken into account.

(2) Any room which is separated only by an open verandah from the courtyard shall, for the purpose of this rule, be deemed to abut on such courtyard.

(3) The minimum width of every such courtyard shall be ⁴[two metres and forty centimetres].

(4) No portion of any face of a dwelling-house abutting on such courtyard shall intersect any of a series of imaginary lines drawn across the courtyard from the opposite face of the house, at the level of the plinth, at an angle of sixty-eight degrees with the horizontal :

Provided that nothing contained in this sub-rule shall prevent the construction of four-storey buildings on two sides of a courtyard where the length of the courtyard opposite such buildings is not less than ⁵[six metres] and the width of such courtyard is not less than ⁶[four metres and fifty centimetres].

¹These words were substituted for the words "six inches" by sec. 127(15)(b) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "10 square feet" by sec. 127(15)(c), *ibid.*

³These words were substituted for the words "twelve feet" by sec. 127(16)(a), *ibid.*

⁴These words were substituted for the words "eight feet" by sec. 127(16)(b), *ibid.*

⁵These words were substituted for the words "twenty feet" by sec. 127(16)(c)(i), *ibid.*

⁶These words were substituted for the words "fifteen feet" by sec. 127(16)(c)(ii), *ibid.*

[West Ben. Act

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work—Rule 30.)

(5) For the purposes of sub-rule (4), the opposite face of the house shall be deemed to be a vertical plane drawn through the most projecting portion of such face excluding any cornice or moulding not exceeding ¹[fifty centimetres].

(6) Notwithstanding anything contained in sub-rule (4), a dwelling-house abutting on a courtyard of which the greater dimension does not exceed twice the less dimension, shall be held to comply with this rule if, by reason of its abutting on a courtyard of the same area but square in shape, the building would comply with this rule.

(7) If there be building other than boundary wall on not more than three sides of a courtyard, then the angle referred to in sub-rule (4) shall be seventy-one and a half degrees instead of sixty-eight degrees.

(8) A ventilation shaft having no access to the same except through one door for service purposes, shall not be treated as a courtyard, if the area of such shaft is less than ²[ten square metres].

Open space
in rear of
building,
regulating
the rear
height.

30. (1) There shall be, at the back of every domestic building, an open space extending along the entire width of the building and forming part of the site thereof.

(2) The said space shall be of such width that any of a series of imaginary lines drawn across such space at an angle of sixty-eight degrees with the horizontal, from points on a level with the plinth of the building and situated on that side of the said space which is farthest from the building, shall not intersect any portion of the building up to a height of ³[twenty-four metres] (excluding open and balustraded parapets not more than ⁴[one metre and twenty centimetres] in height) :

Provided that the minimum width of such space shall be—

(i) in the case of a building in which there are both inner and outer courtyards, ⁵[one metre and eighty centimetres], and

(ii) in the case of any other building, ⁶[three metres]

¹These words were substituted for the words "eighteen inches" by sec. 127(16)(d) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVII of 1964).

²These words were substituted for the words "one hundred and twenty square feet" by sec. 127(16)(e), *ibid.*

³These words were substituted for the words "eighty feet" by sec. 127(17)(A) (a), *ibid.*

⁴These words were substituted for the words "four feet" by sec. 127(17)(A) (b), *ibid.*

⁵These words were substituted for the words "six feet" by sec. 127(17)(A) (c)(i), *ibid.*

⁶These words were substituted for the words "ten feet" by sec. 127(17)(A) (c)(ii), *ibid.*

XXXIII of 1951.]

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rule 31.)

(3) If it is proposed to erect one or more buildings on the site of an existing building or if two or more buildings are proposed to be erected on any one site (whether or not such buildings are connected by means of verandahs or gangways or in any similar manner), the open space referred to in sub-rule (1) shall be provided at the back of each such building.

(4) This rule shall not apply in the case of—

- (a) a building the back of which abuts on a public square or street or a place dedicated to public use and not likely to be built upon not less than ¹[five metres] in width ;
- (b) a building the back of which abuts on a public street less than ²[five metres] in width, if the owner makes a free gift to the Corporation of all land comprised within the site of the building which falls within ³[two metres and fifty centimetres] of the centre line of such street as prescribed by the Commissioner under rule 3, sub-rule (6) :

Provided that in cases (a) and (b), the height of the building shall, in accordance with the provisions of rule 3, be regulated by the width of the public square or street on which it abuts.

(5) For the purposes of this rule, the back of a building shall be deemed to be that face of the building which is farthest from any street at the side of which the building is situated :

Provided that, where a building is situated at the side of more than one street, the back of the building ⁴[shall be deemed] to be that face of the building which is farthest from the widest of such streets :

Provided further that in the case of a tandem site, the back of a building shall be deemed to be that face of the building, which is along the lesser dimension of the site and the furthest removed from the street from which the site has access.

Explanation.—The expression “tandem site” means a site access to which is by a passage from a street, whether such passage forms part of the site or not.

31. If any person desires to erect a domestic building upon a site which is irregular or of such a nature that it is impracticable to provide an open space in the rear of the building of the dimensions prescribed by rule 30, the Commissioner * * * * may relax the provisions of that rule :

Relaxa-
tion of
rule 30 in
certain
cases.

¹These words were substituted for the words “sixteen feet” by sec. 127(17)(B)(a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words “sixteen feet” by 127(17)(B)(b)(i), *ibid.*

³These words were substituted for the words “eight feet” by sec. 127(17)(B)(b)(ii), *ibid.*

⁴These words were substituted for the words “shall, unless the Standing Buildings Committee otherwise directs be deemed” by sec. 127(17)(C), *ibid.*

⁵The words “with the approval of the Standing Committee” were omitted by sec. 127(18)(A), *ibid.*

[West Ben. Act

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rule 32.)

Provided that the open space left in the rear of the building shall not be less than ¹[one metre and twenty centimetres] in width at its narrowest part and the average width of such open space shall not be less than the width as would be required under rule 30 if the site were not of an irregular nature :

Provided further that in the case of a building situated on the edge of a street which has open spaces on its sides as required under rule 32, the average width of the open space to be left in the rear of the building may be ²[one metre and eighty centimetres] or more—

(a) if such building does not exceed ³[seven metres and fifty centimetres] in height (excluding any stair-cover in the third storey, not higher than ⁴[two metres and forty centimetres]) ; and

(b) in the case of any such building not coming within clause (a), if the provisions in sub-rule (2) of rule 30 are complied with, so however that the angle referred to therein is drawn from points on an imaginary line drawn at a distance of ⁵[three metres] from the back of the building.

Open
space at
sides of
building.

32. (1) If either side of a domestic building is not attached to the adjacent building, and if such side does not abut on a public square or street which is not less than ⁶[one metre and eighty centimetres] in width, or on a private street or partition passage which, in the opinion of the Commissioner, is likely always to be kept open to the sky and which is not less than ⁶[one metre and eighty centimetres] in width,

there shall be between the buildings an open space extending along the entire length of such side and forming part of the site of the said domestic building :

Provided that attachment of any building to the adjacent building shall not be allowed (except with the permission of the Corporation) in areas declared for the purpose if either of the buildings is a dwelling-house.

¹These words were substituted for the words "four feet" by sec. 127(18) (B) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "six feet" by sec. 127 (18) (C) (a), *ibid.*

³These words were substituted for the words "twenty-five feet" by sec. 127(18)(C)(b)(i), *ibid.*

⁴These words were substituted for the words "eight feet" by sec. 127(18)(C) (b)(ii), *ibid.*

⁵These words were substituted for the words "ten feet" by sec. 127(18)(C) (c), *ibid.*

⁶These words were substituted for the words "six feet" by sec. 127(19)(A), *ibid.*

XXXIII of 1951.]

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rule 32.)

(2) The minimum distance across such space from every part of the said domestic building to the boundary line of the land or building immediately opposite such part shall be—

(a) ¹[one metre and eighty centimetres], if there is a building next to such boundary line or within ²[sixty centimetres] of it, or

(b) ³[one metre and twenty centimetres], if there is an open space of ⁴[sixty centimetres] or more on the other side of such boundary line :

Provided that where there is a public street by the side of the site which is less than ⁵[one metre and eighty centimetres] wide, the owner may, by giving to the Corporation free of charge such land as will make the street ⁶[one metre and eighty centimetres] wide, be exempted from leaving further side space under this rule.

(3) Notwithstanding anything contained in this rule, where a site adjacent to the site of a proposed building is not occupied by a masonry building situated within ⁷[three metres] of the boundary line between the two sites and within ⁸[seven metres and thirty centimetres] from the frontage of the street on which the two sites abut, the erection of the proposed building along the said boundary line up to a depth of ⁹[seven metres and thirty centimetres] from such street frontage, may be permitted ¹⁰[by the Commissioner unless in his opinion] there is any objection to any building which may be subsequently erected on the adjacent site being attached to the building so erected.

(4) The provisions of this rule shall not apply to any alteration or addition, made to a building existing at the commencement of this Act, if such alteration or addition merely adds to the height of and rests upon such building.

¹These words were substituted for the words "six feet" by sec. 127(19)(B) (a)(i) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "two feet" by sec. 127(19)(B) (a)(ii), *ibid.*

³These words were substituted for the words "four feet" by sec. 127(19)(B) (b)(i), *ibid.*

⁴These words were substituted for the words "two feet" by sec. 127(19)(B) (b)(ii), *ibid.*

⁵These words were substituted for the words "six feet" by sec. 127(19)(B)(c), *ibid.*

⁶These words were substituted for the words "ten feet" by sec. 127(19)(C) (a), *ibid.*

⁷These words were substituted for the words "twenty-four feet" by sec. 127(19)(C)(b), *ibid.*

⁸These words were substituted for the words "with the approval of the Standing Committee, unless, in the opinion of the Standing Committee" by sec. 127(19)(C)(c), *ibid.*

[West Ben. Act

(Schedule XVI.—Rules as to the use of Building-sites and the execution of building-work.—Rules 33, 34.)

Court-
yards and
outward
open spaces
to be raised
and kept
open.

33. (1) Every courtyard of a building, and every open space prescribed by rule 30, or rule 31 or rule 32, shall be raised at least ¹[thirty centimetres] above the level of the centre of the nearest street, so as to admit of easy drainage into the street.

(2) Every such courtyard and open space shall form part of the site of the building, shall be open to the sky throughout its entire area, and shall be kept accessible for the purpose of cleansing ; and no structure shall be erected within or above, or so as to project over, the same :

Provided that—

(a) a one-seated or two-seated connected-privy or a connected-privy with a bathroom attached thereto or two connected-privies, not exceeding ²[3·75 square metres] in floor area in the aggregate, exclusive of walls may be erected in the open space left under rule 30, sub-rule (2) or rule 31, if the average width of the open space is ³[three metres] or more ; and

(b) such privy or privies with attached bathroom may have as many storeys in the house to which they belong, each of such storeys being connected with the main building by a covered gangway, or in the case of two separate privies two covered gangways or bridges, not more than ⁴[one metre] in width for each privy and not exceeding ⁵[two metres] in width in the aggregate.

⁶(c) where the average width of the space left open under rule 30 or rule 31 in the rear of a building is not less than three metres and no privy or bathroom referred to in clause (a) or clause (b) is constructed therein, a garage measuring not more than eighteen square metres in floor area and not more than two metres and forty centimetres in height may, with the permission of the Commissioner, be constructed in such open space, so, however, that the Commissioner shall not grant permission for the construction of any such garage, unless—

(i) a passage or pathway (measuring, at any point, not less than two metres and forty centimetres in width) appertaining to the site of the building and leading

¹These words were substituted for the words "one foot" by sec. 127(20)(A) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "forty square feet" by sec. 127(20)(B)(a)(i), *ibid.*

³These words were substituted for the words "ten feet" by sec. 127(20)(B)(a)(ii), *ibid.*

⁴These words were substituted for the words "three feet" by sec. 127(20)(B)(b)(i), *ibid.*

⁵These words were substituted for the words "six feet" by sec. 127(20)(B)(b)(ii), *ibid.*

⁶This clause was added by sec. 127(20)(B)(c), *ibid.*

XXXIII of 1951.]

(Schedule XVI.—Rules as to the use of Building-sites and execution of Building-work.—Rules 34—36.)

up to the garage from a street is kept open to the sky, or access to the garage is available directly from a street, and

- (ii) the Commissioner is satisfied that the construction of such garage will not prejudicially affect the sanitation, ventilation or drainage of the garage or other adjacent buildings,

and, notwithstanding such construction of a garage, the space covered thereby shall, for the purposes of rules 30, 31 and 32, be deemed to be left open to the sky.

(3) The provisions of sub-rule (2) shall apply only to the minimum area prescribed under this schedule for any court-yard or open space referred to in the said sub-rule.

34. All court-yards in a domestic building, and all other open spaces therein not exceeding ¹[two metres] in width, shall be paved with some impermeable substance and drained to the satisfaction of the Commissioner.

Paving
and
draining
of court-
yards
and open
spaces.

35. For the purpose of calculating the open space required to be left under rules 23, 24, 30, 31 and 32, no space which falls within the alignment of a street or is included within the alignment of a projected public street shall be taken into account.

²35A. In the case of a building-site abutting on a street less than five metres but not less than three metres and fifty centimetres in width, the Commissioner shall consider the practicability of widening the street in whole or in part and if he decides in favour of such widening and the owner gives the Corporation free of charge all land, comprised within the building-site, which falls within two metres and fifty centimetres of the centre line of the said street, as prescribed by the Commissioner under rule 3, sub-rule (6), the Commissioner may, in calculating the open space referred to in rule 35, make such relaxation of the rules mentioned therein as he thinks fit.

36. No building shall at any time be erected on any open space prescribed under this schedule for a building and forming part of the site thereof, nor shall such open space be taken into account in determining the area of any open space required, under this schedule, for any other building.

¹These words were substituted for the words "six feet" by sec. 127(21) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Rule 35A was inserted by sec. 127(22), *ibid.*

[West Ben. Act

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building work.—Rules 37—40.)

Position of
privies in a
domestic
building.

37. No room other than a bathroom, privy or urinal shall be placed over a privy in a domestic building erected for dwelling purposes, and no privy shall be placed in such domestic building under any room other than a bathroom, privy or urinal :

Provided that it shall be premissible to place a non-inhabited room, such as store, dressing room, etc., having an area not more than ¹[7·5 square metres] under or over a bathroom, connected-privy or connected-urinal.

Part V.—Buildings of the warehouse class.

Floors of
certain
buildings
of the
warehouse
class.

38. The floor of every building of the warehouse class intended to be used for the manufacture or storage of articles for human consumption shall be constructed of some impermeable material approved by the ²[Commissioner].

Open
space for
buildings
of the
warehouse
class for
loading and
unloading
goods.

39. (1) Every building of the warehouse class shall have attached thereto, for the accommodation and passage of carts lorries used for the loading and unloading of goods, an open space forming part of the site of the building, of not less than ³[three metres and fifty centimetres] in width and throughout the entire depth of the building from the street frontage of the site.

(2) The Commissioner * * * * * may permit the open space referred to in sub-rule (1) to be covered to the extent of one-half of its width and at a height of not less than ⁴[four metres and twenty-five centimetres] above the ground level.

Part VI.—Public buildings.

Application
of certain
provisions
of Part IV
to public
buildings.

40. (1) The provisions of rules 25, 26, 27, 28, 30, 31, 32, 34, 35 and 37, as to domestic buildings, shall have effect in the case of public buildings.

(2) The provisions of rules 23, 24 and 29, as to dwelling-houses, shall have effect in the case of any public building which is constructed, used or adapted to be used wholly or principally for human habitation, or as a school, college or other place of instruction.

¹These words were substituted for the words "eight square feet" by sec. 127 (23) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²This word was substituted for the word "Corporation" by sec. 127(24), *ibid.*

³These words were substituted for the words "12 feet" by sec. 127(25) (a), *ibid.*

⁴The words "with the approval of the Standing Committee" were omitted by sec. 127(25)(b)(i), *ibid.*

⁵These words were substituted for the words "14 feet" by sec. 127(25) (b)(ii), *ibid.*

XXXIII of 1951.]

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 41—43).

41. The floors of the lobbies, corridors, passages and landings of a public building shall be constructed of incombustible materials, the doors shall be constructed of fire-resisting materials, and the flights of stairs shall be constructed either of incombustible materials or of fire-resisting materials.

Use of incombustible or fire-resisting materials.

42. The following materials shall, for the purposes of rule 41, be deemed to be incombustible, namely:—

Materials to be deemed incombustible.

- (a) brick-work constructed of bricks, well-burnt, hard and sound, properly bonded and solidly put together with—
 - (i) mortar compounded of lime and sharp clean sand hard clean broken brick, broken flint, grit or slag well pulverized, or
 - (ii) cement mixed with any of the materials mentioned in sub-clause (i),
- (b) granite and other stone which is suitable for building purposes by reasons of its solidity and durability,
- (c) iron, steel and copper,
- (d) slate, tiles, bricks and terra-cotta, when used for coverings or corbels,
- (e) flag-stones when used for floors over arches, if not exposed on the underside and if not supported at the ends only,
- (f) concrete, composed of broken brick, stone chippings or selected slag and lime, cement or calcined gypsum—when the concrete is used for filling-in between joists of floors to a depth of not less than ¹[ten centimetres], and
- (g) any combination of concrete, steel or iron or any other material approved in this behalf from time to time by the Commissioner.

Explanation.—In this rule, the expression “brick”, “lime” or “cement” means such brick, lime or cement as conforms to the standard and quality specified in this behalf by the Corporation.

43. The following materials shall, for the purposes of rule 41, be deemed to be fire-resisting, but not incombustible, namely:—

Materials to be deemed to be fire resisting but not incombustible.

- (a) *sal*, teak and other hard timber, when used for beams or posts or in combination with iron, the timber and the iron (if any) being protected by plastering in cement or other incombustible or non-conducting external coating,
- (b) in the case of doors, *sal*, teak or other hard timber not less than ²[four centimetres] thick, and

¹These words were substituted for the words “four inches” by sec. 127(26) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words “one-and-a-half inches” by sec. 127(27) (a), *ibid*.

[West Ben. Act

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 44—47.)

(c) in the case of staircases, *sal*, teak or other hard timber, the treads and risers being not less than ¹[four centimetres] thick.

Walls for
staircases.

44. The walls supporting or enclosing any staircase in a public building shall be of masonry and not less than ²[twenty-five centimetres] thick.

Treads and
risers in
staircases.

45. Every staircase in a public building shall be provided with treads not less than ³[thirty centimetres] in width and not more than ⁴[fifteen centimetres] in rise without winders, in flights of not more than 15 steps and with landings of width of not less than that of the staircase. The treads and riser of each flight of stairs in such staircase shall be of uniform width.

Width of
staircases,
internal
corridors
and
passage-
ways.

46. (1) No staircase, internal corridor or passageway in a public building shall be less than ⁵[two metres] wide:

Provided that, where not more than three hundred persons are to be accommodated in any public building, any staircase, internal corridor or passageway may be of any width not less than ⁶[one metre and fifty centimetres].

(2) Every staircase, internal corridor or passageway in a public building, which communicates with any portion of the building intended for the accommodation of more than four hundred persons, shall be wider than ⁷[two metres by thirty centimetres] for every hundred persons or part thereof over four hundred.

(3) Notwithstanding anything contained in sub-rule (2) instead of a single staircase, corridor or passageway of the width prescribed by the said sub-rule, there may be two or more staircases, corridors or passageways as may be sufficient for the number of persons that can be accommodated in the building, each being of a width as prescribed in sub-rule (1).

Division of
wide stair-
case by
hand-rail.

47. If the width of any staircase in a public building is ⁸[two metres and forty centimetres] or more, the staircase shall be divided by a hand-rail.

¹These words were substituted for the words "one inch and-a-half" by sec. 127(27)(b) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "ten inches" by sec. 127(28), *ibid.*

³These words were substituted for the words "12 inches" by sec. 127(29)(a), *ibid.*

⁴These words were substituted for the words "6 inches" by sec. 127(29)(b), *ibid.*

⁵These words were substituted for the words "six feet" by sec. 127(30)(a)(i), *ibid.*

⁶These words were substituted for the words "five feet" by sec. 127(30)(a)(ii), *ibid.*

⁷These words were substituted for the words "six feet by twelve inches" by sec. 127(30)(b), *ibid.*

⁸These words were substituted for the words "eight feet" by sec. 127(31), *ibid.*

XXXIII of 1951.]

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 48—51.)

48. If some of the persons accommodated in a public building are placed on a higher floor than others, separate means of exit, of the width prescribed by rule 46, sub-rules (1), (2) or (3), as the case may be, and communicating directly with a public street or an open space, shall be provided for each floor :

Separate means of exit from floors on different levels.

Provided that this rule shall not apply to a hotel or lodging-house, or to any public building which is used as a home, refuge or shelter.

49. The doors of a room or a hall in a public building for exit and entrance of persons intended to be accommodated therein shall be made to open outwards and no locks or bolts for closing the same from outside shall be affixed thereto. There shall be at least two such doors in every such room or hall if not more than 250 persons are intended to be accommodated therein and an additional door shall be provided for every one hundred persons or part thereof in excess of 250.

Doors and barriers to open outwards.

Part VII.—Application for permission to erect new buildings (other than huts.)

50. (1) Every person who intends to erect a new building (other than a hut) shall send to the Commissioner an application for permission to execute the work, together with a site-plan of the land, a plan of the whole building, separate plans of each floor of the building, complete elevations and sections of the work and a specification of the work.

Application to Commissioner for permission to erect a masonry new building.

(2) Every document referred to in sub-rule (1) shall contain the particulars and be prepared in the manner hereinafter in this part prescribed in this behalf.

51. (1) Every application made under rule 50 shall be written on a printed form (to be supplied by the Commissioner free of charge), and shall state the position of the site, the number assigned to it in the assessment-book and its dimensions, the description of the building and its dimensions, and such other particulars as may be prescribed by the Commissioner.

Particulars to be furnished in, and with such application.

(2) The site-plan sent with such an application shall be drawn to a scale of not less than ¹[one centimetre to six metres] shall be sent in triplicate, and shall show—

- (a) the boundaries of the site and of any contiguous land belonging to the owner thereof ;
- (b) the position of the site in relation to neighbouring streets ;
- (c) the name of the street in which the building is proposed to be situated ;
- (d) all existing buildings on the site ;

¹These words were substituted for the words "one-fiftieth of an inch to the foot" by sec. 127(32)(A)(i) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

[West Ben. Act**(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rule 51.)**

- (e) the position of the building, and of all other buildings (if any) which the applicant intends to erect upon his contiguous land referred to in clause (a), in relation to—
- (i) the boundaries of the site, and in a case where the site has been partitioned, the boundaries of the portion owned by the applicant and also of the portions owned by other owners,
 - (ii) all adjacent streets, buildings and premises within a distance of ¹[twelve metres] of the site and of the contiguous land (if any) referred to in clause (a), and
 - (iii) (if there is no street within a distance of ²[twelve metres] of the site) the nearest existing street or some street projected under section 363, or sanctioned under section 371 ;
- (f) the means of access from the street to the building, and to all other buildings (if any) which the applicant intends to erect upon his contiguous land referred to in clause (a) ;
- (g) the position and the number of storeys of all other buildings within ³[twelve metres] of the site ;
- (h) the position, form and dimensions of kitchens, staircases, privies, urinals, drains, cesspools, stables, cattle-sheds, cow-houses, wells and other appurtenances of the building ;
- (i) free passage or way in front of the building ;
- (j) space to be left about the building to secure a free circulation of air, admission of light and access for scavenging purposes ;
- (k) the width of the street (if any) in front, and of the street (if any) at the side or rear, of the building ; and
- (l) such other particulars as may be prescribed by the Corporation.

*Explanation to clause (d).—*If it is intended to demolish or alter any existing building on the site, such building shall be particularly specified and it shall be expressly stated in the aforesaid application that the applicant undertakes to demolish or alter the same, as the case may be.

¹These words were substituted for the words "forty feet" by sec. 127(32)(A) (b)(i), of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "forty feet" by sec. 127(32)(A) (b)(ii), *ibid.*

³These words were substituted for the words "forty feet" by sec. 127(32)(A) (c), *ibid.*

XXXIII of 1951.]

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rule 52.)

(3) The plans of the building and the elevations and sections accompanying such an application shall be properly coloured and neatly and accurately drawn to a scale of not less than ¹[one centimetre to a metre] and shall be sent in triplicate ; and the said plans shall show—

- (a) the levels and width of the foundation of the building ;
- (b) the level of the lowest floor of the building ; and
- (c) the level of all court-yards and open spaces, and the plinth-level of the building, with reference to the level at the centre of the nearest street.

(4) The specification accompanying such an application shall comprise full information as to the following particulars, namely—

- (i) the materials and method of construction to be used for external walls, party walls, foundations, roofs, floors, fire-places and chimneys ;
- (ii) the manner in which roof and house drainage and the surface drainage of land will be disposed of ;
- (iii) the manner (if any) in which it is proposed to pave the courtyards and open spaces and the slope to which the surface is to be made in each case ;
- (iv) the means of access that will be available to scavengers to get to service-prives ;
- (v) the purpose for which it is intended to use the building ;
- (vi) if the building is intended to be used as a dwelling-house for two or more families, or as a place for carrying on any trade or business in which more than twenty people may be employed or as a place of public resort, the means of ingress and egress to and from such building ; and
- (vii) such other particulars as may be prescribed by the Corporation.

*Explanation to clause (v).—*If it is intended to use the building or any part thereof for any of the purposes specified in Schedule XVIII or as a stable, cattle-shed or cow-house, the fact shall be expressly stated.

52. The plans, elevations and sections referred to in rule 50 shall be signed clearly and in a prominent place by the owner of the building and by the licensed building surveyor who has prepared the same as required by section 380.

Signature
of plans,
elevations
and
sections.

¹These words were substituted for the words "one-eighth of an inch to the foot" by sec. 127(32)(b) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVII of 1964).

[West Ben. Act

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 53—55.)

Employment of licensed building supervisors to supervise the erection of certain domestic buildings.

53. (1) Every person who intends to erect a new building or add to any building, shall if such erection or addition costs more than twenty-five thousand rupees, employ a licensed building surveyor to supervise the erection of such building or addition.

(2) The name of the person to be so employed shall be stated in the application under rule 50, in respect of such building.

(3) If the person so employed dies or ceases to be so employed before the completion of the said building, the name of the licensed building surveyor employed in place of such person to supervise the erection of such building, shall be forthwith reported to the Commissioner.

Formulation of requirements and objections.

54. (1) All information and documents which it may be found necessary to require, and all objections which it may be found necessary to make before deciding whether permission to erect a new building (other than a hut) should be given, shall be respectively required and made in one requisition, and the applicant shall be apprised thereof at the earliest possible date.

(2) Within fifteen working days after the receipt of any application under rule 50 for permission to execute any work, the Commissioner may require the applicant—

(i) to furnish him with any information on matters referred to in that rule which has not already been given in the documents received thereunder, or with any document prescribed by that rule which has not been sent in ; or

(ii) to satisfy him in regard to any objections which may have been taken under these rules to the grant of permission to execute the work.

(3) If any information or documents furnished under sub-rule (2) are, in the opinion of the Commissioner, incomplete or defective, he may, within fifteen working days after the receipt of the same, require further information or documents to be furnished.

(4) If any requisition made under sub-rule (2) or sub-rule (3) is not complied with within three months, the application received under rule 50 shall be refused.

Permission to execute work when to be given or refused by the Commissioner.

55. (1) Within one month after the receipt of any application made under rule 50 for permission to execute any work, or of any information or documents or further information or documents required under this schedule, ¹* * * * the Commissioner shall, by written order, either—

(a) grant permission conditionally or unconditionally to execute the work, or

(b) refuse, on one or more of the grounds mentioned in rule 57 or rule 61, as the case may be, to grant such permission.

¹The words 'or within one month after the Commissioner has been satisfied that there are no objections which may lawfully be taken to the grant of permission to execute the work', by sec. 127(33)(n) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 56, 57.)

(2) When the Commissioner grants permission conditionally under clause (a) of sub-rule (1), he may, in regard thereto, impose such conditions, consistent with this Act, as he may think fit.

(3) Notwithstanding anything contained in sub-rules (1) and (2) in any case in which it appears to the Commissioner that any public improvements which may render necessary the acquisition of the site of a proposed building or any part thereof are desirable and expedient, he may * * * * * withhold sanction to the building plans submitted in respect of such building for a period not exceeding three months from the date of such submission.

(4) The Corporation with the approval of the State Government shall fix a scale of fee to be paid in respect of grant of permission for executing any work under this rule.

56. If within the period prescribed by rule 55, the Commissioner has neither granted nor refused to grant permission to execute any work, such permission shall be deemed to have been granted; and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or of any rules or by-laws made thereunder.

Remedy if Commissioner delays grant or refusal of permission.

57. The only grounds on which permission to erect a new building (other than a hut) may be refused are the following, namely :—

Grounds on which permission to erect a masonry new building may be refused.

- (1) that the work, or any of the particulars comprised in the site-plan, building-plans, elevations, sections or specifications would contravene some specific provision of this Act or some specific order, rule or by-law made thereunder;
- (2) that the application for such permission does not contain the particulars or is not prepared in the manner prescribed in this schedule;
- (3) that, in the case of a new building (other than a hut) falling within the street alignment or building-line of a public street projected under section 63 of the Calcutta Improvement Act, 1911, the permission of the Chairman of the Board of Trustees for the Improvement of Calcutta has not been obtained;
- (4) that any of documents referred to in rule 50 have not been signed as prescribed in rule 52;
- (5) that any information or documents required by the Commissioner under this schedule have not been duly furnished; or
- (6) that the applicant has not satisfied the Commissioner in regard to any objections which may have been taken under these rules to the grant of the said permission.

Ben. Act
V of 1911.

¹The words "with the approval of the Standing Committee" were omitted by sec. 127(33)(b) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

[West Ben. Act

*(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 58—61.)*Signature
of approved
plans.

58. When the Commissioner has given permission to execute any work, the approved plans of the work shall be signed by such officer and in such manner as he may direct.

Retention
of plan and
submission
of fresh
application
or appeal
after
refusal to
permit
execution
of work.

59. When permission to erect a new building (other than a hut) is refused—

- (a) the Commissioner shall retain one copy of the plans submitted and shall without charge furnish the applicant with his reasons for such refusal, in writing, and
- (b) the applicant may at any time thereafter send to the Commissioner a fresh application and fresh or modified documents under rule 50 framed with the object of meeting the objections for which such permission ¹[was refused.]

* *

Work not
to be com-
menced
unless and
until
permission
given.

60. Subject to the provisions of rule 56, the erection of a new building (other than a hut) shall not be commenced unless and until the Commissioner has granted permission for the execution of the work on an application sent to him under rule 50.

Powers
of the
Commis-
sioner to
refuse
permission
to erect a
masonry
building or
convert
huts, etc.,
into
masonry
building.

61. (1) If any street shown in the site-plan is an intended private street, the Commissioner, notwithstanding anything contained in rule 57, ²[may refuse] to grant permission to erect a masonry building or to convert one or more huts or temporary structures into masonry building until the street is commenced or completed.

(2) Whether the permission referred to in sub-rule (1) is granted or not, the Commissioner ⁴[may require] the person, if any, who under the provisions of this Act is liable to lay down and make the private street shown in the site-plan to lay down and make the said private street.

¹These words were substituted for the words "was refused, or" by sec. 127 (34)(a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Clause (c) was omitted by sec. 127(34)(b), *ibid.*

³These words were substituted for the words "may with the approval of the Standing Committee, refuse" by sec. 127(35)(a), *ibid.*

⁴These words were substituted for the words "may, with the approval of the Standing Committee, require" by sec. 127(35)(b), *ibid.*

XXXIII of 1951.]

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 62—64.)

62. (1) Permission to execute the work of erection of any new building (other than a hut) shall be valid for five years from the date from which it is given and may be renewed thereafter for a further period of five years on payment of a fee of twenty rupees and on production of the previously sanctioned building plans.

Renewal of permission to erect a new building in certain cases.

(2) If any necessary building, permission to erect which was granted before the commencement of this Act under the Calcutta Municipal Act, 1923, is not wholly completed within a period of five years from the date of such permission, the said permission shall be deemed to have lapsed and any work done after the expiry of the said period shall be deemed to have been done without permission :

Ben. Act
III of 1923.

Provided that the Commissioner may for special reasons * * * * renew the permission for a further period not exceeding five years on payment of a fee of rupees twenty and on production of the previously sanctioned building plans.

63. If, at any time after permission to erect any masonry building has been given, the Commissioner is satisfied that such permission was granted in consequence of any material misrepresentation or fraudulent statement contained in the application made under rule 50, or in the plans, elevations, sections, or specifications submitted therewith in respect of such building, he may cancel such permission, and any work done thereunder shall be deemed to have been done without permission :

Power to Commissioner to cancel permission on the ground of material misrepresentation by applicant.

* *

***Part VIII—Huts.**

64. (1) Huts in a *bustee* shall be built in continuous lines, in accordance with an alignment to be prescribed by the Corporation and demarcated on the ground, after hearing the objections (if any) of the owner of the *bustee* and the owners of the huts affected by the alignment.

Continuous lines.

(2) If the Corporation is of opinion that huts in a *bustee* are likely to be erected hereafter on any vacant land it may, after hearing the objections (if any) of the owner of the land and the owners of the huts affected by the alignment,—

- (a) prescribe alignments for huts on such land, and
- (b) from time to time alter such alignments,

*The words "with the approval of the Standing Buildings Committee" were omitted by sec. 127(36) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

*The proviso to rule 63 was omitted by sec. 127(37), *ibid.*

*In any area in Calcutta to which the Calcutta Slum Clearance and Rehabilitation of Slum-dwellers Act, 1958 (West Ben. Act XX of 1958), applies, Parts VIII and IX of Schedule XVI to the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951), shall stand repealed, *vide* sec. 2(a) of West Ben. Act XX of 1958.

[West Ben. Act

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 65—70.)

Distance
between
eaves and
alignment.

65. When an alignment has been prescribed under rule 64, no hut shall be erected so that the distance measured from its eave to such alignment is less than ¹[two metres].

Use of
spaces
referred to
in rule 65.

66. All spaces referred to in rule 65, between a hut and an alignment, shall remain private property subject to a right in the Corporation to use them for the purposes of scavenging or for any of the other purposes of this Act :

Provided that, notwithstanding anything contained in the Indian Limitation Act, 1908, no such use shall, by reason of any lapse of time, be held to confer any right on any person so as prejudicially to affect the rights of the owner of the *bustee*.

IX of 1908.

Erection
of huts in a
bustee in
courtyard
formation.

67. Notwithstanding anything contained in rule 64, or rule 65, the Commissioner ²[may sanction] erection of huts in a *bustee* so as to form an open courtyard comprising at least one-fourth of the whole area occupied by the huts and courtyard :

Provided that no hut erected under this rule shall contain more than one storey.

Area of
courtyard
in huts
not in a
bustee.

68. Where huts other than huts in a *bustee* are erected so as to form an open courtyard, the area of the courtyard shall not be less than one-fourth of the area occupied by the huts and courtyard.

Space
between
huts.

69. There shall be between any two huts a space of at least ³[one metre], measured from eave to eave.

Distance
of huts
from
metalled
and
sewered
street.

70. Except with the sanction of the Commissioner * * * *
* * * *, no hut shall be placed at a greater distance than ⁴[thirty metres] from the nearest part of a metalled and sewer street, unless there be a municipal or *bustee* drain at a distance of not more than ⁵[six metres] from the site of such hut.

¹These words were substituted for the words "six feet" by sec. 127(38) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "may, with the approval of the Standing Committee, sanction" by sec. 127(39), *ibid*.

³These words were substituted for the words "three feet" by sec. 127(40), *ibid*.

⁴The words "who shall grant or refuse such sanction with the approval of the Standing Buildings Committee" were omitted by sec. 127(41)(a), *ibid*.

⁵These words were substituted for the words "one hundred feet" by sec. 127(41)(b), *ibid*.

⁶These words were substituted for the words "twenty feet" by sec. 127(41)(c), *ibid*.

XXXIII of 1951.]

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 71—76.)

71. No portion of a hut shall be placed within ¹[two metres] of a masonry building except with the special sanction of the Commissioner ** * * * * :

Distance between a hut and a masonry building.

Provided that this rule shall not preclude the erection of huts in the compound of a masonry building in any case where masonry out-offices would be permissible.

72. No hut used for human habitation shall be placed within ²[two metres] of a cow-house, cattle-shed or stable.

Distance between hut and cow-houses, etc.

73. Every hut abutting on a street or passage, whether public or private, shall be constructed so as not to project over, or admit of water from the roof falling upon, or injuring, such street or passage.

Prohibition of projections or dropping of water over street or passage.

74. No hut shall comprise more than two storeys or shall exceed ⁴[six metres] in height, measured from the floor-level to the junction of the walls with the roof.

Height.

75. The floor-level of a hut shall be raised at least ⁵[sixty centimetres] above the level of the centre of the nearest street or passage, and the floor shall be paved with brick on edge, cement, concrete or some similar material approved by the Commissioner :

Plinth.

Provided that the floor of a stable or cow-shed may be ⁶[thirty centimetres] above such level.

76. (1) The whole of at least one side of every room in a hut shall either be an external wall or abut on an open courtyard or on an open verandah.

Rooms.

(2) Every room in a hut, which is intended to be used as an inhabited room, shall—

(a) be provided with a doorway of not less than ⁷[1·5 square metres] in area ;

¹These words were substituted for the words "six feet" by sec. 127(42)(i) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²The words "who may grant or refuse such sanction with the approval of the Standing Committee" were omitted by sec. 127(42)(b), *ibid.*

³These words were substituted for the words "six feet" by sec. 127(43), *ibid.*

⁴These words were substituted for the words "twenty feet" by sec. 127(44) *ibid.*

⁵These words were substituted for the words "two feet" by sec. 127(45)(i), *ibid.*

⁶These words were substituted for the words "one foot" by sec. 127(45)(b), *ibid.*

⁷These words were substituted for the words "fifteen square feet" by sec. 127(46)(a), *ibid.*

[West Ben. Act

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 77—79.)

(b) be provided with a window or windows opening directly into the external air or into an open verandah, and having an opening of not less than one-fifteenth of the floor area of the room ;

(c) have a superficial area of not less than ¹[7·5 square metres] ; and

(d) have a height of not less than ²[two metres and forty centimetres] measured from the floor-level to the junction of the walls with the roof.

Courtyards.

77. (1) The courtyard (if any) of a hut shall be so raised that the upper surface shall be ³[thirty centimetres] above the level of the nearest street or passage, and shall be drained into the nearest drain.

(2) The width of such courtyard shall be not less than ⁴[two metres and forty centimetres].

(3) Every such courtyard shall be paved with some impermeable material.

**Part IX.—Applications for permission to erect new buildings which are huts.*

Applica-
tion to be
sent, and
particulars,
furnished,
to Com-
missioner
by person
intending
to erect
a hut.

78. (1) Every person who intends to erect a new building which is a hut on any land shall send to the Commissioner—

(a) an application for permission to execute the work,

(b) a site-plan of the land,

(c) plans and sections of the hut, and

(d) a specification of the work.

(2) Every such application shall contain the particulars and be prepared in the manner prescribed in that behalf in this schedule ;

and every such plan, section and specification shall be signed by the licensed building surveyor who has prepared the same as required by section 380.

Application
for
permission
to erect
a hut.

79. (1) Every application for permission to erect a new building which is a hut shall be written on a printed form to be supplied by the Commissioner free of charge.

(2) If it is intended to use the hut, or any part thereof, for any of the purposes specified in Schedule XVIII, or as a stable, cattle-shed, or cow-house, the fact shall be expressly stated in the said application.

¹These words were substituted for the words "eighty square feet" by sec. 127(46)(b) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "eight feet" by sec. 127(46)(c), *ibid.*

³These words were substituted for the words "one foot" by sec. 127(47)(a), *ibid.*

⁴These words were substituted for the words "eight feet" by sec. 127(47)(b), *ibid.*

*See foot-note marked with asterisk on page 641, *ante*.

XXXIII of 1951.]

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rule 80.)

(3) The plans sent with such an application shall be drawn to a scale of not less than ¹[one centimetre to a metre], shall include a site-plan drawn to a scale of ²[one centimetre to six metres], shall be properly coloured, shall be sent in triplicate, and shall show—

- (i) the hut,
- (ii) the privy provided or to be provided for the use of occupants of the hut,
- (iii) the position and size of the doors and windows,
- (iv) all existing buildings standing on the site,
- (v) the means of access to the hut from the street or passage on which it abuts,
- (vi) the position of the hut in relation to all huts, streets, passages, privies and tanks within a distance of ³[fifteen metres] from the site, and
- (vii) such other particulars as may be prescribed by the Commissioner.

*Explanation to clause (iv).—*If it is intended to demolish or alter any existing building on the site, such building shall be particularly specified and it shall be expressly stated in the aforesaid application referred to in sub-rule (1) that the applicant undertakes to demolish or alter the same, as the case may be.

80. (1) The Commissioner may, on receipt of an application under rule 78, require the applicant—

- (a) to furnish him with any information on matters referred to in rule 78 which has not already been given in the documents received thereunder, or with a proper site-plan as prescribed by that rule, or
- (b) to satisfy him in regard to any objections which may have been taken under these rules to the grant of permission to execute the work.

Power to Commissioner to require further information or a proper site-plan.

(2) If any information or plan required under sub-rule (1) is, in the opinion of the Commissioner, incomplete or defective, he may require further information or a fresh plan to be furnished.

(3) If any requisition made under sub-rule (1) or sub-rule (2) is not complied with within two months, the application received under rule 78 shall be refused.

¹These words were substituted for the words "one-eighth of an inch to the foot" by sec. 127(48)(a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²These words were substituted for the words "fifty feet to the inch" by sec. 127(48)(b), *ibid.*

³These words were substituted for the words "fifty feet" by sec. 127(48)(c), *ibid.*

[West Ben. Act.]

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 81—84.)

Power to
Commissioner to
employ
licensed
building
surveyor
to prepare
site-plan,
etc., for
hut.

81. The Commissioner may—

(a) on the application of any person who intends to erect a new building which is a hut, and

(b) on payment, by such person, of such fees as the Corporation may prescribe in that behalf,

employ a licensed building surveyor to prepare, in respect of such hut, the plans, sections and specifications prescribed by rule 78.

Permission
to execute
work
when to
be given
or refused.

82. Within fourteen days after the receipt of any application made under rule 78 for permission to erect a new building which is a hut, or of any information or plan or further information or fresh plan required under this schedule, ^{1*} * * * the Commissioner shall, by written order, either grant such permission or refuse to grant the same on one or more of the grounds mentioned in rule 84.

Remedy
if Com-
missioner
delays
grant or
refusal of
permission.

83. If, within the period prescribed by rule 82, the Commissioner has neither granted nor refused to grant permission to erect a new building which is a hut, such permission shall be deemed to have been granted ; and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules or by-laws made thereunder.

Grounds
on which
permission
to erect
a hut
may be
refused.

84. The only grounds on which permission to erect a new building which is a hut, may be refused are the following, namely :—

- (1) that the work would contravene some specific provisions of this Act, or some specific order, rule or by-law made thereunder ;
- (2) that the application for such permission does not contain the particulars or is not prepared in the manner, prescribed in this schedule ;
- (3) that, in the case of a new building which is a hut falling within the street alignment or building line of a public street projected under section 63 of the Calcutta Improvement Act, 1911, the permission of the Chairman of the Board of Trustees for the improvement of Calcutta has not been obtained ;
- (4) that any plan, section or specification has not been signed as prescribed by rule 78, sub-rule (2) ;
- (5) that any information or plan required by the Commissioner under this schedule has not been duly furnished ; or
- (6) that the applicant has not satisfied the Commissioner in regard to any objections which may have been taken under these rules to the grant of the said permission.

Ben. Act V
of 1911.

¹The words "or within fourteen days after the Commissioner has been satisfied that there are no objections which may lawfully be taken to the execution of the work", were omitted by sec. 127(49) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 85—89.)

85. When permission to erect a new building which is a hut is refused,—

- (a) the Commissioner shall retain one copy of each of the plans, and shall without charge furnish the applicant with his reasons for such refusal in writing, and
- (b) the applicant may at any time send to the Commissioner a fresh application and a fresh or modified plan under rule 78 framed with the object of meeting the objections for which such permission ¹[was refused.]

Retention of plans, and submission of fresh application or appeal after refusal of permission to erect a hut.

* * * *

86. (1) Subject to the provisions of rule 83, the erection of a new building which is a hut shall not be commenced unless and until the Commissioner has granted written permission for the execution of the work on an application sent to him under rule 78.

Work not to be commenced unless and until permission given.

(2) If any hut, permission to erect which was granted before the commencement of this Act, is not wholly completed within one year from the commencement of this Act, the said permission shall be deemed to have lapsed and any work done thereunder, after the said one year, shall be deemed to have been done without permission.

87. If the erection of a substantial portion of any new building which is a hut is not completed within one year after the date on which permission was given to execute the work under this Schedule, the said permission shall be deemed to have lapsed and any work done thereunder after the said one year shall be deemed to have been done without permission.

Lapse of permission if not acted upon within one year.

Part X.—Application of rules in this schedule to alterations of, and additions to, buildings.

88. In applying rule 3 in the case of an alteration of, or addition to, any building, the angle at which the lines referred to in sub-rule (1) of that rule are to be drawn shall be fifty-six-and-a-half degrees instead of fifty-three degrees.

Relaxation of rule 3.

89. Rule 30 shall apply to alterations of, or additions to, any domestic building, public building or building of the warehouse class not situated in a locality in which the erection of buildings of the warehouse class is allowed by declaration under clause (d) of sub-section (1) of section 381 above the ground-floor, even though the open space required under the said rule has not been left on the ground-floor.

Applicability of rule 30 to alterations and additions above the ground-floor.

¹These words were substituted for the words "was refused, or" by sec. 127 (50)(a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²Clause (c) was omitted by sec. 127(50)(b), *ibid*.

[West Ben. Act

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rule 90.)

Restriction
on applica-
tion of
rules 50 to
63 or 78
to 87.

90. (1) Rules 50 to 63 and rules 78 to 87 shall not apply in the case of any alteration or addition to a building :

Provided that—

- (a) the alteration or addition does not change the character of the building or the purpose for which it was erected ; and
- (b) the alteration or addition does not contravene any rules in this Schedule other than rules 50 to 63 and rules 78 to 87 :

Provided further that where any alteration or addition involves the execution of any one or more of the works referred to in sub-rule (2), a licensed building surveyor shall be employed for supervision and a notice shall be given to the Corporation by such surveyor before carrying out the alteration or the addition.

(2) The works referred to in the second proviso to sub-rule (1) are—

- (a) the construction or reconstruction of a roof or an external or party wall,
- (b) any repairs to the building which involve the reconstruction of—
 - (i) a masonry wall,
 - (ii) the floor of a room (excluding the ground-floor),
 - (iii) a lift-shaft, or
 - (iv) a chimney,

after the same has been entirely or in great part demolished,

- (c) the closing of any door or window in an external wall,
- (d) the construction of an internal wall or partition,
- (e) any other alteration of the internal arrangements of a building which affects an alteration of its courtyard or courtyards or its drainage, ventilation or sanitary arrangements, or which affects its security,
- (f) the addition of any building, room, out-house or other structure,
- (g) the roofing of any space between one or more walls and buildings,
- (h) the conversion into more than one place for human habitation of a building originally constructed as one such place,
- (i) the conversion of two or more places of human habitation into a greater number of such places, or
- (j) the alteration of a building for the purpose of effecting a partition amongst joint owners.

XXXIII of 1951.]

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rule 91.—Schedule XVII.—Rules for the Inspection and Regulation of Land and Buildings.—Rule 1.)

91. (1) Notwithstanding anything contained in this schedule, but subject to the provisions of section 388, the '[Commissioner] may at any time, in dealing with any application to erect a new building as defined in sub-clauses (b), (c) or (d) of clause (49) of section 5 or to add to, alter, or do any other work referred to in section 387 to, any building erected before the first day of April, 1900, relax, for special reasons to be recorded in writing, the following rules in this schedule, in the manner and circumstances specified hereunder, namely :—

Relaxation of certain rules in respect of the erection of new buildings.

- (a) Rules 30 and 32 may be relaxed so as to prevent the demolition of any material part of any masonry building existing on the space required to be kept open under the said rules :

Provided that—

- (i) the new building conforms to the other rules of this schedule ; and
(ii) in no case shall the height or extent of the buildings on the said space be increased or added to, unless this is otherwise permissible under the said rules.

- (b) Rule 29 may be relaxed, provided that the building conforms with the provisions of either rule 23 or rule 30.

(2) Notwithstanding anything contained in this schedule, but subject to the provisions of section 388, the '[Commissioner] may at any time, in dealing with an application to add to, alter, or do any work referred to in section 387 to any building erected before the first day of April, 1900, relax, for special reasons to be recorded in writing, rule 23, provided that some substantial increase is nevertheless made in the area of the open space belonging to the premises and already forming part of the site.

SCHEDULE XVII.

Rules for the Inspection and Regulation of Land and Buildings.

[See sections 415(I)(h), 431, 435(I) and 537.]

1. (1) The Commissioner may cause any building or other premises to be inspected for the purpose of ascertaining the sanitary condition thereof.

Power to inspect premises for sanitary purposes.

(2) If the Commissioner has reason to believe that any building is used as a public lodging-house or is let out in rooms to twenty-five or more lodgers, such inspection may be made at any time by day or by night :

Provided that no such inspection shall be made by night except by an officer specially authorized by the Health Officer in that behalf.

¹This word was substituted for the word "Corporation" by sec. 127(51)(a) of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

²This word was substituted for the word "Corporation" by sec. 127(51)(b), *ibid.*

[West Ben. Act

(Schedule XVII.—Rules for the Inspection and Regulation of Land and Buildings.—Rules 2—5.)

Power to
Commissioner to
require
cleansing
and lime-
washing of
building.

2. If it appears to the Commissioner necessary for sanitary reasons so to do, he may, by written notice, require the owner or occupier of any building inspected under rule 1 to cause the same or any portion thereof to be lime-washed or otherwise cleansed, either externally or internally or both externally and internally.

Lime-
washing or
cleansing
of build-
ings.

3. The owner (or where the terms of any lease or agreement between the owner and the occupier so provides, the occupier) of any building shall cause the same to be lime-washed or otherwise cleansed internally or externally at least once every five years.

Power to
Commis-
sioner to
require
owner to
secure,
enclose,
cleanse, or
clear land
or build-
ing which
is unten-
anted,
filthy or a
nuisance.

4. If any land or building—

(a) by reason of abandonment or disputed ownership or for any other reason, remains untenanted and thereby becomes a resort of idle and disorderly persons, or

(b) is in a filthy or unwholesome state, or

(c) is complained of by any two or more of the persons residing in its neighbourhood as a nuisance,

the Commissioner, after due inquiry, may give written notice to the owner or to any person who is known or believed to claim to be the owner,

and shall also affix a copy of the said notice on the door of the building or on some conspicuous part of the land, as the case may be,

requiring the said owner or any person who is known or believed to claim to be the owner properly to secure, enclose, cleanse or clear the same or otherwise abate the nuisance.

Power to
Commis-
sioner to
demolish,
repair or
secure wall,
building or
fixture in
a ruinous
state, etc.

5. (1) If any wall or building, or anything affixed thereto, be deemed by the Commissioner to be in a ruinous state, or likely to fall, or to be in any way dangerous, he shall forthwith cause a written notice to be served on the owner and also to be put on some conspicuous part of the wall or building or served on the occupier (if any) of the building, requiring such owner or occupier, forthwith to demolish, repair or secure such wall, building or thing as the case may require.

(2) The Commissioner may also, if it appears to him necessary to do so, cause a proper hoarding or fence or other means for protection to be put up at the expense of the owner of such wall or building for the safety of the public or the inmates thereof; and may also, after giving them such notice as the Commissioner may think necessary, require the inmates of the building to vacate it.

(3) The provisions of this Act and of any rules or by-laws made thereunder relating to buildings shall apply to any work done in pursuance, or in consequence, of a notice issued under sub-rule (1).

XXXIII of 1951.]

(Schedule XVII.—Rules for the Inspection and Regulation of Land and Buildings.—Rules 6, 7.)

¹(4) (a) Notwithstanding anything contained in the foregoing sub-rules the Commissioner may, forthwith or with such notice as he thinks fit, demolish, repair or secure or cause to be demolished, repaired or secured, any such wall or building or thing affixed thereto, on the report of the City Architect of the Corporation certifying that such demolition, repair or securing of the building, wall or thing is necessary for the safety of the public or the inmates of the building.

(b) In any such case the Commissioner may cause the inmates of the building to be summarily removed from the same or such portion thereof as he may consider necessary.

(c) All expenses incurred by the Commissioner in taking action under this sub-rule shall be paid by the owner of such wall, building or thing.

¹(5) Any action taken by the Commissioner under sub-rule (4) shall, unless the contrary is proved, be deemed to have been taken lawfully, and in good faith and with due care and attention.

6. If any building, or any part of a building, be demolished by the Commissioner under section 560, in pursuance of a notice issued under rule 5, he may sell the materials thereof and apply the proceeds of such sale in payment of the expenses incurred, and shall, on demand, restore to the owner any surplus arising from such sale.

Power to Commissioner to sell materials of buildings demolished in pursuance of notice issued under rule 5.

7. (1) Whenever the Commissioner considers—

(a) that any building is, by reason of its having no plinth or having a plinth of insufficient height, or by reason of the want of proper drainage or ventilation, or by reason of the impracticability of cleansing attended with risk to the health of the occupiers thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health, or

(b) that any block of buildings is, for any of the said reasons, or by reason of the manner in which the buildings are crowded together, attended with such risk as aforesaid,

Further powers to Commissioner with reference to insanitary or congested buildings.

he may with the approval of the Standing Committee cause a written notice to be fixed to some conspicuous part of the building or block requiring the owners or occupiers thereof, or the

¹Sub-rules (4) and (5) were added by notification No 3985M.3R-32/53, dated 6th May, 1954, published in the *Calcutta Gazette, Extraordinary*, dated 7.5.54, Part I, pages 618-614.

[West Ben. Act

(Schedule XVII.—Rules for the Inspection and Regulation of Land and Buildings.—Rule 8.)

owners of the land occupied by such building or block, to execute such works or take such measures as he may deem necessary for the prevention of such risk.

(2) Where any building, or part thereof, in respect of which a notice has been issued under sub-rule (1), has been demolished in pursuance of an order made by the Commissioner under section 415, the Corporation shall pay reasonable compensation to the owner thereof.

Power to
Commissioner to
direct the
filling up,
etc., of
unwholesome
wells,
pools, etc.

8. (1) When—

- (a) any well, pool, ditch, tank, pond, pit or marshy or undrained ground, or
- (b) any cistern, reservoir or water-butt or any other receptacle or place where water is stored or accumulates, or
- (c) any waste or stagnant water, whether within any private enclosure or not,

appears to the Commissioner to be or to be likely to become injurious to health or offensive to the neighbourhood or in any other respect a nuisance, he may, by written notice, require the owner or occupier of the land or building to which such well, pool, ditch, tank, pond, pit, ground, cistern, reservoir, water-butt, receptacle, place or water pertains,

to cleanse or to fill up the same or to drain off or remove water therefrom or to take such other action as the Commissioner may deem necessary.

- ¹(2) (a) No person shall keep or permit to be kept or maintained within any premises or land any collection of stagnant or flowing water, which in the opinion of the Health Officer or any Municipal Officer authorised by him in this behalf, is, or is likely to become, a breeding place for mosquitoes, unless such collection of water is treated in such a manner as to effectively prevent the breeding of mosquitoes.

Explanation (1).—“A collection of stagnant or flowing water” which is likely to become a breeding place for mosquitoes means :—

- (i) any well, pool, ditch, tank, pond, pit, excavation, borrow-pit, hole or depression, or
- (ii) any low land, swamp, or marshy or undrained ground, or
- (iii) any drain, gutter, trough, channel, canal, cess-pool, cess-pit, gully-pit, masonry-pit, or privy-vault, or

¹Sub rule (2) of rule 8 was substituted for the original sub-rule (2) by notification No. 2943/M.1A-16/55, dated 2nd April, 1956, published in the *Calcutta Gazette* of 1956, Part I, pages 1326-1327.

XXXIII of 1951.]

(Schedule XVII.—Rules for the Inspection and Regulation of Land and Buildings.—Rule 8.)

- (iv) any cistern, reservoir or water-butt or any fountain or tank of flush closets where water is stored or accumulates, or
- (v) any flower tub, barrel, earthen pot, can, bottle, drum, box tube, bucket, pipe, tree hole, bamboo-stump, or any other receptacle or place holding stagnant water, or
- (vi) any waste or stagnant or flowing water, whether within any private enclosure or not.

*Explanation (2).—*The presence of mosquito larvae or pupae or both in any collection of stagnant or flowing water shall be evidence that such water is a breeding place for mosquitoes.

- (b) Where, in the opinion of the Health Officer or any Municipal Officer authorised by him under clause (a), a collection of stagnant or flowing water is, or is likely to become, a breeding place for mosquitoes, he may, by written notice, require the owner or occupier of the land or building to which such collection of water pertains, to cleanse or to fill up the same with suitable material or to drain off or remove water therefrom or to treat the same in one or more of the methods specified below or to take such other order therewith as the Health Officer or such Municipal Officer may deem necessary with a view to rendering such collection of water permanently unfit as a breeding place for mosquitoes :—

Methods of treatment referred to above

- (i) Screening with wire-netting of at least sixteen meshes to the inch each way or with any other material in such a manner as, in the opinion of the Health Officer or a Municipal Officer authorised by him under clause (a), will effectually prevent the ingress or egress of mosquitoes.
- (ii) Complete emptying and thorough drying and cleaning every seven days or earlier as the Health Officer or a Municipal Officer authorised by him under clause (a) may direct.
- (iii) Using or covering completely the surface of water with kerosene, petroleum or such other chemical larvicide as may be approved by the Health Officer at least once every seven days.
- (iv) Cleaning and keeping free of vegetable growth and other obstructions, and stocking larvacidal fish.
- (v) Filling or draining, as may be necessary to the satisfaction of the Health Officer.
- (vi) Proper disposal, by removal, destruction, or otherwise, of tin cans, tin boxes, broken or empty bottles, earthen pots and other articles likely to hold water.

[West Ben. Act

(Schedule XVII.—Rules for the Inspection and Regulation of Land and Buildings.—Rule 9.)

(vii) Cutting down and removal of any grass, bushes, bamboo-stumps, fern or undergrowth in which mosquitoes are likely to breed or be harboured.

(c) In any case referred to in clause (b) the Health Officer or a Municipal Officer authorised by him under clause (a) may, if he so thinks fit, or if the owner or occupier of the land or building, as the case may be, fails to comply with a requisition under clause (b), between sunrise and sun-set, enter upon the premises to which the collection of water pertains and may, forthwith and without notice, take such steps as he thinks proper to destroy any mosquito larvae or pupae or both that may be found thereon and to render the collection of water unfit as a breeding place for mosquitoes by treating the same in one or more of the methods set out in sub-clauses (i) to (vi) of clause (b) ; and all expenses incurred by the Health Officer or the Municipal Officer, as the case may be, in so doing shall be paid by the owner or occupier of the land or building who shall not be entitled to compensation for any damage that may be sustained by him by the exercise of the power under this clause in good faith and in a reasonable manner.

(3) If the Commissioner, in exercise of the powers conferred by section 560, executes any work referred to in a notice issued under sub-rule (1), and if the person liable to pay the expenses of such work fails to pay the same, the Corporation may, with a view to recovering expenses, take possession of the property and until such expenses are paid,—

(i) lease any part of the land used in connection with the said well, pool, ditch, tank, pond, pit, cistern, reservoir, water-butt, receptacle, place or water, or any part of the said ground, as the case may be, or

(ii) retain possession of the same, or the site thereof, and utilize it for public purposes.

(4) If the said expenses be paid by an occupier of land, he may, in the absence of any agreement to the contrary, deduct the same from any rent due to the owner of the land.

Power to Commissioner to take action in case of a serious nuisance affecting the public health.

9. On receipt of a written report from the Health Officer of the existence of a serious nuisance likely to affect the public health or to prove offensive to the neighbourhood, the Commissioner may take immediate action for the abatement or removal of such nuisance, and the expenses thereof shall be paid by the person or persons responsible for the nuisance.

XXXIII of 1951.]

(Schedule XVII.—Rules for the Inspection and Regulation of Land and Buildings.—Rule 10.—Schedule XVIII.—Certain purposes for which Premises may not be used without a Licence.)

10. (1) The Corporation may, by a general order, or by an order to affect such portion of Calcutta as may be specified therein, prohibit—

Regulation
of excava-
tions.

(a) the making of excavations for the purpose of taking earth therefrom, or of storing rubbish or offensive matter therein, and

(b) the digging of cesspools, tanks, ponds, wells or pits,

without the special permission of the Corporation.

(2) Every such order shall be published in the *Official Gazette*.

(3) No person shall make any excavation referred to in clause (a) of sub-rule (1), or dig any cesspool, tank, pond, well or pit, in contravention of any such order.

(4) If any such excavation, cesspool, tank, pond, well or pit is made or dug after the publication of any such order and without the permission required thereby, the Commissioner may, by written notice, require the owner or occupier of the land on which the same is made or dug to fill it up with earth or other material approved of by him.

SCHEDULE XVIII.

CERTAIN PURPOSES FOR WHICH PREMISES MAY NOT BE USED WITHOUT A LICENCE.

[See sections 437(1), 441(1), 543 and 544, and Schedule XVI, rules 51 (4) and 79(2).]

(1) Casting metals.

(2) Manufacturing bricks, pottery or tiles.

(3) As a knacker's yard.

(4) As a hide godown or hide screw-house.

(5) As a manufactory or place of business from which offensive or unwholesome smells, ¹[fumes, dust or sounds arise].

(6) As a depot for hay, straw, wood, coal, coke, waste paper or rags.

¹Substituted for the words "fumes or dust arise" by sec. 123 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

[West Ben. Act

(Schedule XVIII.—Certain purposes for which Premises may not be used without a Licence.)

(7) Packing, pressing, cleansing, preparing or manufacturing, by any process whatever, any of the following articles, namely:—

Cloths or threads in indigo or other colours,
Paper,
Pottery,
Silk.

(8) Storing, packing, pressing, cleansing, preparing or manufacturing, by any process whatever, any of the following articles, in excess of the quantity prescribed for each such article by the Corporation in this behalf, namely:—

Asphaltum,
Bitumen,
Blasting powder,
Blood,
Bones,
Brass,
Candles,
Catgut,
Chemical preparations,
China grass,
Cocoanut fibre,
Cotton (other than cotton pressed into bales), or cotton refuse
or seed,
Dal,
Dammer (resin or rosin),
Dynamite,
Fat (edible or non-edible),
Fins,
Fireworks,
Fish,
Flax,
Flour,
Fulminate of mercury,
Gas,
Glue,
Grain,
Gram,
Ground-nut,
Gun-cotton,
Gun-powder,
Gur,
Hair,
Hemp,
Hides,
Hoofs,
Horns,
Iron,
Jute,
Kaolin,

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(Schedule XVIII.—Certain purposes for which Premises may not be used without a Licence.)

Lampblack,
Leather,
Lime,
Manure,
Matches for lighting,
Meat,
Molasses,
Mustard-seeds,
Nitro-glycerine,
Offal,
Oil (edible or non-edible),
Oil cloth,
Paint,
Pakra seed,
Pea,
Pitch,
Rags,
Rice,
Rosin,
Saltpetre,
Skins,
Soap,
Soap-stone,
Spirits,
Steel,
Sugar,
Sulphur,
Surki,
Tallow,
Tar,
Timber,
Tin,
Tobacco,
Tow,
Turpentine,
Varnish,
Verdigris,
Waste paper,
Wool.

[West Ben. Act

(Schedule XIX.—Form of Certificate.)

SCHEDULE XIX.

FORM OF CERTIFICATE.

[See sections 478 and 480 (1)].

To¹

I, the undersigned, public analyst for the
, do hereby certify that a sample of
was received on the day of 19
in my office from²

for analysis (which then weighed³
) and have analysed
the same and declare the result of my analysis to be as follows :—

I am of opinion that the same is a sample of

*Observations.*⁴

Signed this
19 .

day

A.B.

at

¹Here insert the name of the person submitting the article for analysis.

²Here insert the name of the person delivering the sample. If the sample is received by post or by railway, entry should be made accordingly.

³When the article cannot be conveniently weighed, this passage may be erased or the blank may be left unfilled.

⁴Here the analyst may insert, at his discretion, his opinion as to whether the mixture (if any) was for the purpose of rendering the article potable, or palatable, or of preserving it, or of improving the appearance, or was unavoidable, and may state whether it was in excess of what is ordinary or otherwise.

Note.—In the case of a certificate regarding milk, butter or any article liable to decomposition, the analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis.

XXXIII of 1951.]

(Schedule XX.—Registration of Births.—
Schedule XXI.—Registration of Deaths.)

SCHEDULE XX.

REGISTRATION OF BIRTHS.

(See sections 505 and 506.)

19. ———. Births in area ———

1	2	3	4	5	6	7	8	9	10	11
Serial No.	Date of birth.	Place of birth.	Nationality, religion, and caste (if any).	Name, if any.	Sex.	Names ¹ [and addresses] of father and mother.	Profession of father.	Signature, description and residence of informant.	Date of registration.	Signature of Registrar.

SCHEDULE XXI

REGISTRATION OF DEATHS.

(See sections 505, 507 and 509.)

19. ———. Deaths in the area ———

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Serial No.	Date of death.	Nationality, religion, and caste (if any).	Name ² [with Father's/ Mother's/Husband's name].	Sex.	Age.	Profession.	Cause of death.	Name of medical attendant (if any) during last illness.	Residence at time of death.	Residence previous to last illness.	Signature, description and residence of informant.	Date of registration.	Signature of Registrar.

¹These words were inserted with retrospective effect by notification No. M.1A-35/52, dated 16th February, 1953, published in the *Calcutta Gazette* of 1953, Part I, page 581.

²These words were inserted by notification No. 2263/M.1C-119/55, dated the 12th March, 1956, published in the *Calcutta Gazette* of 1956, Part I, page 971.

[West Ben. Act

(Schedule XXII.—Form of Notice to be issued on yellow paper and affixed on premises when other means of service not available.
—Schedule XXIII.—Modification of the Calcutta Municipal Act, 1923, as extended to the Municipality of Howrah.)

SCHEDULE XXII.

FORM OF NOTICE TO BE ISSUED ON YELLOW PAPER AND AFFIXED
ON PREMISES WHEN OTHER MEANS OF SERVICE NOT AVAILABLE.

(See sections 554 and 555.)

To (name and address) [or, to the owner or occupier of number of building or description of land and number of premises in assessment-book].

Take notice that a bill (or, as the case may be) has been issued against you to the following effect (state the substance of the document) and that you are required to (state the requirement as mentioned in the document).

Dated this

day of

(Signature of municipal officer
or other person issuing the notice.)

Pages 660-661—

*Omit Schedule XXIII.

(Omitted by West Ben. Act XVII of 1965, section 6
and Schedule B.)

[No. 2, dated the 1st May, 1970.]

as extended

In the Calcutta Municipal Act, 1923, as extended to the Municipality of Howrah,—

Ben. Act
III of 1923,

(a) for section 204, the following section shall be substituted, namely ;—

204. (1) After a defaulter has been proceeded against under the foregoing provisions of this Chapter unsuccessfully or with only partial success, it shall be competent to the Commissioners to recover from him by suit, in any Court of competent jurisdiction, any sum due, or the balance of any sum due, as the case may be, on account of the consolidated rate, together with all costs.

¹This Schedule was substituted for the existing Schedule XXIII, which was inserted by sec. 8 of the Calcutta Municipal (Amendment) Act, 1962 (West Ben. Act IV of 1962), by sec. 129 of the Calcutta Municipal (Second Amendment) Act, 1964 (West Ben. Act XVIII of 1964).

XXXIII of 1951.]

(Schedule XXIII.—Modification of the Calcutta Municipal Act, 1923, as extended to the Municipality of Howrah.)

Ben. Act
III of 1923.

West Ben.
Act IV
of 1962.

(2) Notwithstanding any decision of any Court to the contrary, any proceeding instituted in accordance with the provisions of sections 190 to 203 of the Calcutta Municipal Act, 1923, as extended to the Municipality of Howrah and in force and pending on the date of commencement of the Calcutta Municipal (Amendment) Act, 1962, may be continued after such commencement and any such proceeding, or any order made, or anything done or any action taken therein, shall not, in any manner, be called in question merely on the ground that the Calcutta Municipal (Amendment) Act, 1962 was not in force when such proceeding was instituted, such order was made, such thing was done or such action was taken.' ;

(b) after clauses (xiii) of section 477, the following clause shall be inserted and shall be deemed always to have been inserted, namely :—

'(xiiia) the payment of grants to colleges or other educational institutions imparting higher education :

West Ben.
Act XVIII
of 1964.

Provided that after the commencement of the Calcutta Municipal (Second Amendment) Act, 1964, no such grant shall be made without the previous approval of the State Government ;' ;

(c) in Schedule VI, in paragraph 1,—

(i) all entries against the items bearing serial Nos. 46 and 73 shall be omitted and shall be deemed to have been omitted as from the 1st day of April, 1951,

(ii) in entries against the item bearing serial No. 80D, for the words 'Dyer or cleaner, order supplier', the words 'Order supplier' shall be substituted and shall be deemed always to have been substituted.

